



U.S. Department
of Transportation

**National Highway
Traffic Safety
Administration**

Summary of State Speed Laws

Current as of January 1, 1997

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INTRODUCTION

PURPOSE

This Summary reports **ONLY** the status of State statutes (or regulations) that are concerned with either speed limit or speed related violations. Local laws are not reported. Unless otherwise indicated, the status of the State laws (or regulations) reported is January 1, 1997.

ORGANIZATION

The Summary is divided into three areas: (1) Introduction; (2) Summary Tables; and, (3) a State by State Analysis. The State by State Analysis is organized by State and then by specific legal topics. The State by State Analysis includes code and, where needed, case law citations; these should help individuals conducting additional research in this area of the law. The State by State Analysis can be used to facilitate the comparison of State laws in the subject areas.

The Appendix, using the State by State Analysis' format, gives the Uniform Vehicle Code's provisions on speed limit and speed related offenses.

EXPLANATIONS

Basic Speed Rule. The Basic Speed Rule requires vehicle operators to drive at a speed that is reasonable and prudent. As a corollary to this rule, State laws usually provide that "every person shall drive at a safe and appropriate speed when approaching and crossing an intersection or railroad grade crossing, when approaching

an going around a curve, when approaching a hill crest, when traveling upon any narrow or winding roadway, and when special hazards exist with respect to pedestrians or other traffic or by reason of weather or highway conditions." See Uniform Vehicle Code §11-801.

Minimum Speed Rule. The Minimum Speed Rule prohibits a person from operating a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. However, in order to avoid a possible conflict with the basic speed rule, the law normally provides that a slow speed is permissible when "reduced speed is necessary for safe operation or in compliance with law." See Uniform Vehicle Code §11-805(a).

Racing on the Highway. The offense of "racing on the highway" is usually defined as driving "any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record." See Uniform Vehicle Code §11-809(a).

Drag Racing. Either as part of the offense of highway racing or as a separate statutory crime, the offense of "drag racing" is normally defined as "the operation of two or more vehicles from a point side by side at accelerating speed in competitive attempt to outdistance each other, or the operation of one or more vehicles over a common selected course, from the same point to the same point, for the purpose of comparing

INTRODUCTION

(continued)

the relative speeds or power of acceleration of such vehicles or vehicles within a certain distance or time limit." See Uniform Vehicle Code §11-809(b).

Reckless Driving. The criminal offense of "reckless driving" is defined as driving "any vehicle in willful or wanton disregard for the safety of persons or property." See Uniform Vehicle Code §11-901(a). Note: Speed is not necessarily a factor in this offense.

Statutory Speed Limit. In the State by State analysis, this category identifies State laws that provide for maximum speed limits. Such limits may vary by highway type (e.g., interstate) or by location (e.g., urban district). Some State laws require that these limits be posted. However, in other States, the law provides that these limits apply in the absence of a posted speed limit.

Posted (Maximum) Speed Limit. In the State by State analysis, this category identifies State laws that allow either State or local authorities to alter (e.g., increase or decrease) the statutory speed limits. However, these provisions usually require that, prior to increasing or decreasing a highway's statutory speed limit, the appropriate governmental authorities conduct a study to determine the safe speed limit for such highway. State law may also allow authorities to specify different speed limits either for various times of the day or for various types of vehicles (e.g., trucks). Speed limits established under these laws are

not effective until appropriate speed limit signs are posted on the highway. **Caution:** This Summary does not report the speed limits that have been established via such laws.

Speed Law Sanctions. Except as noted, the criminal and administrative (licensing) sanctions given are the same for any offense listed under the heading "Basis for a Speed Violation." **Important:** The fine sanctions listed in this Summary do not include court costs or bail schedule forfeitures.

Highway. As used in most State motor vehicle laws, "highway" is defined as "[t]he entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel." "Highway" and "street" are synonymous and interchangeable terms. See Uniform Vehicle Code §1-127 Note: As defined, a "highway" under most State laws means only a government owned or maintained street and not a "private" one.

FEEDBACK & FUTURE EDITIONS

Requests for future editions of or comments about this Summary should be sent to:

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SUMMARY TABLE OF STATE SPEED LAWS

(continued)

S T A T E	Sanctions for Exceeding the Speed Limit First Offense			Sanctions for Reckless Driving First Offense			Sanctions for Racing on the Highways First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
MD		NMT 500	S-NMT 2 Y ¹		NMT 500	S-NMT 2 Y ¹		NMT 500	S-NMT 2 Y ¹
MA		NLT 50 ⁴		2 W-2 Y	20-200	R-60 D	2 W-2 Y	20-200	R-60 D
MI		NMT 100	S-NMT 1 Y ¹	NMT 90 D	NMT 100	R or S ¹⁵	NMT 90 D	NMT 100	S-1 year ¹
MN		NMT 200	S-NMT 1 Y	NMT 90 D	NMT 700	S-NMT 1 Y			
MS	NMT 10 D	NMT 100	S ¹⁶		5-100	S ¹⁶			
MO	NMT-6 M	NMT 500	S-30 D to-1 Y ¹	NMT 6 M	NMT 500	S-30 D-1 Y ¹			
MT		10-100	S-6 M ¹⁷	NMT 90 D	25-300	S-6 M ¹⁷	NMT 6 M	50-500	S-6 M ¹⁷
NE		10-200	R-6 M ¹	NMT 3 M	NMT 500	R-6 M ¹	NMT 6 M	NMT 1,000	R-6 M ¹
NV	NMT 6 M	NMT 1,000	S-NMT 1 Y ¹⁸	NMT 6 M	NMT 1,000	S-NMT 1 Y ¹⁸	NMT 6 M	NMT 1,000	S-NMT 1 Y ¹⁸
NH		NMT 1,000	S-NMT 30 D ¹⁹		250-500	R-60 D		NMT 1,000	S-NMT 30 D ¹⁹
NJ	NMT 15 D	50-200	S-30 to 180 D ¹	NMT 60 D	50-200	S-30 to 180 D ¹		25-100	S-30 to 180 D ¹
NM	NMT 90 D	NMT 300	S-NMT 1 Y ¹	5-90 D	25-100	S-NMT 90 D	NMT 90 D	NMT 300	S-NMT 1 Y ¹
NY	NMT 30 D	30-400	S/R ²⁰	NMT 30 D	NMT 200	S/R ²⁰	NMT 30 D	200-350	R-6 M
NC	NMT 60 D	100-1,000	NMT 1 Y ¹	1-60 D	NMT 1,000	NMT 1 Y ¹	1-60 D ²¹	NMT 1,000 ²¹	S-NMT 1 Y ²¹
ND		5->100	S-≥7 D ¹	NMT 30 D	NMT 500	S-≥7 D ¹		50-100	S-≥7 D ¹
OH		NMT 100	S-6 M ¹		NMT 100	S-6 M ¹		NMT 100	S-6 M ²²
OK	5-30 D	10-200	S-NMT 1 Y ¹	5-90 D	25-500	S-NMT 1 Y ¹			
OR		75-600	__ ²³	NMT 1 Y	NMT 5,000	S-90 D		NMT 600	__ ²³
PA		35 ²⁴	S-NMT 1 Y ¹		200	S-6 M		200	S-6 M
PR	NMT 10 D	NMT 100	S-NMT 1 Y ¹	1-6 M	100-500	S-NMT 1 Y ¹		50-300	S-1 to 6 M
RI	NMT 1 Y	NMT 500	S-NMT 1 Y ²⁵	NMT 1 Y	NMT 500	S-NMT 1 Y ²⁵	NMT 1 Y	NMT 500	S-NMT 1 Y ²⁵

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SUMMARY TABLE OF STATE SPEED LAWS

S T A T E	Sanctions for Exceeding the Speed Limit First Offense			Sanctions for Reckless Driving First Offense			Sanctions for Racing on the Highways First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
AL	NMT 10 D	NMT 100	S-NMT 1 Y ¹	NMT 90 D	25-500	S-NMT 6 M	5-90 D	25-500	S-6 M
AK		NMT 300	S-NMT 1 M ¹	NMT 1 Y	NMT 1,000	R-NLT 30 D		NMT 300	S-1 M ¹
AZ		NMT 250	S-NMT 1 Y ¹	NMT 4 M	NMT 750	S-NMT 90 D	NMT 4 M	NMT 750	S-NMT 90 D
AR	NMT 10 D	NMT 100	S-NMT 1 Y ²	5-90 D	25-500	S-NMT 1 Y ²	NMT 1 Y	NMT 1,000	S-NMT 1 Y ²
CA		NMT 100	S-NMT 30 D	5-90 D	145-1,000	S-NMT 30 D	90 D ¹	355-1,000	S-6 M ⁵
CO		15-100	S-NMT 1 Y ¹	10-90 D	10-300	S-NMT 1 Y ¹		10-300	S-NMT 1 Y ¹
CT		NMT 50 ⁴	S-NMT 30 D ¹	NMT 30 D	100-300	S-30 to 90 D	NMT 1 Y	75-600	S-NMT 30 D ¹
DE		20	S-2 to 12 M ¹	10-30 D	100-300	S-2 to 12 M ¹	10-30 D	25-200	S-NMT 6 M
DC		15-100	S-2 to 90 D ⁵	NMT 3 M	NMT 250	R-6 M			
FL		25-250	S-30 D ⁶	NMT 90 D	25-500	S-30 D ⁶		NMT 500	S-30 D ⁶
GA	NMT 12 M	NMT 1,000	S-1 to 5 Y ¹	NMT 12 M	NMT 1,000	S-1 to -5 Y ¹	NMT 12 M	NMT 1,000	S-1 to-5 Y ¹
HI		NMT 200	S-1 to 6 M ⁷	NMT 1 Y	NMT 1,000	S-1 to 6 M ⁷	NMT 6 M	NMT 500	S-NMT 5 Y ²
ID		NMT 100	S-NMT 1 Y ¹	5-90 D	25-300	S-30 D	NMT 6 M	NMT 300	S-NMT 1 Y ¹
IL		NMT 500	S-NMT 1 Y ²	NMT 1 Y	NMT 1,000	S-NMT 1 Y ²	NMT 30 D	NMT 500	R-1 Y
IN		NMT 500	S-NMT 1 Y	NMT 180 D	NMT 1,000	S-NMT 1 Y	NMT 180 D	NMT 1,000	S-NMT 1 Y
LA	NMT 30 D	50-100	S-NMT 1 Y	NMT 30 D	50-100	S-NMT 1 Y	NMT 30 D	50-100	R-6 M
KS		NMT 500	S-NMT 1 Y ¹⁰	5-90 D	25-500	R-NMT 1 Y	NMT 1 M	NMT 500	S-NMT 1 Y ¹⁰
KY		NMT 100 ¹¹	S-90 D to 2 Y ¹²		20-200	S-90 D to 2 Y ¹²	NMT 30 D	60-200	S-90 D to 2 Y ¹²
LA	NMT 30 D	NMT 175	S-NMT 1 Y ¹³	NMT 90 D	NMT 200	S-NMT 1 Y ¹³	NMT 30 D	NMT 175	S-NMT 1 Y ¹³
ME		25-250	S-15 D ¹	NMT 6 M	NMT 1,000	S-30 to 180 D			

SUMMARY TABLE OF STATE SPEED LAWS
(continued)

S T A T E	Sanctions for Exceeding the Speed Limit First Offense			Sanctions for Reckless Driving First Offense			Sanctions for Racing on the Highways First Offense		
	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action	Jail	Fine (\$)	Licensing Action
SC	NMT 30 D	15-200	S-3 to 6 M ¹	NMT-30 D	25-200	S-3 to 6 M ¹	2-6 M	200-600	R-1 Y
SD	NMT 30 D	NMT 200		NMT 1 Y	NMT 1,000	S-NMT 1 Y ¹	NMT 30 D	NMT 200	S-NMT 1 Y ¹
TN	NMT 30 D	NMT 50	S-6 M ¹	NMT 6 M	NMT 500	S-6 M ¹	NMT 6 M	NMT 500	R-1 Y
TX		1-200	S-NMT 1 Y ²⁶	NMT 30 D	NMT 200	S-NMT 1 Y ²⁶		1-200	S-NMT 1 Y ²⁶
UT	NMT 90 D	NMT 750	S-NMT 1 Y ¹	NMT 6 M	NMT 1,000	S-NMT 1 Y ¹	NMT 90 D	NMT 750	S-NMT 1 Y ¹
VT		NMT 175	S-≥ 30 D ¹	NMT 1 Y ²⁷	NMT 1,000 ²⁷	S-30 D ²⁷	NMT 3 M ²⁸	NMT 300 ²⁸	S-≥ 30 D ^{1&28}
VA		NMT 200	S-90 D ¹	NMT 12 M	NMT 2,500	S-90 D ²⁹	NMT 12 M	NMT 2,500	S-6 M to 2 Y
VI	NMT 6 M	NMT 200	R ³⁰	NMT 6 M	NMT 500	R ³⁰			
WA		NMT 250	S-NMT 1 Y ³¹	NMT 1 Y	NMT 5,000	S-30 D to 1 Y	NMT 1 Y	NMT 5,000	S-30 D to 1 Y
WV		NMT 100	S-NMT 1 Y ³¹	5-90 D	25-500	S-NMT 1 Y ³¹		50-100	R-6 M
WI		30-300 ³²	S/R-NMT 1 Y ³⁵		25-200	S/R-NMT 1 Y ³⁴		20-400	S/R-NMT 1 Y ³⁴
WY	NMT 30 D ³⁵	NMT 200	S-NMT 12 M ³¹	NMT 6 M	NMT 750	S-90 D	NMT 10 D	10-100	S-NMT 12 M ³¹
UVC		NMT 200	S-NMT 1 Y ¹	5-90 D	25-500	S-NMT 1 Y ¹		NMT 200	S-NMT 1 Y ¹

D = Day(s) M = Month(s) S = Suspension R = Revocation W = Week(s) Y = Year(s) NLT = Not Less Than NMT = Not More Than UVC = Uniform Vehicle Code

- Licensing action is via a point system. Under this system a person's license is not usually suspended for just one offense. However, only when they have committed numerous traffic violations are they subject to licensing action.
- Suspension via the courts is for not more than 1 year. Suspension via the Point System is 3 to 6 months.
- The jail sanction is 24 hours to 90 days and the license suspension is 90 days to 6 months.
- I. For driving >55 MPH, the fine \$35 to \$90. However, for driving >70 MPH on multiple lane limited access highways, the fine range is between \$100 and \$150. II. For persons operating trucks the following fines apply. If driving >55 MPH on multiple lane limited access highways, the fine is between \$100 and \$150. Driving in >70 MPH limit on multiple line limited access highways, the fine amount is \$100 to 200.

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SUMMARY TABLE OF STATE SPEED LAWS
(continued)

5. A persons's license can also be revoked for 6 months. Licensing action (suspension or revocation) is via a point system.
6. The suspension is via a Point System. The suspension period could be 1 year depending upon the number of points that have been accumulated.
7. Suspension via the Point System is from 1 to 6 months. However, a court can suspend a license for not more than 5 years.
8. Suspension is via court order.
9. License suspension or revocation is based upon the frequency of traffic law violations. A Point System is used to assist the licensing agency in determining frequency of violations. Using this system, a person's license can also be revoked for 1 year.
10. The licensing agency has the authority to either suspend a person's license based on the frequency of traffic law violations.
11. Fines are determined via a matrix.
12. Suspension is via a Point System. If the requisite number of points are accumulated, a person's license can be suspended from 90 days to 2 years.
13. The licensing agency has the authority to either suspend, revoke or cancel a person's license based on the frequency of traffic law violations.
14. The fine is not less than \$50. If a person was driving >10 MPH over the speed limit, there is an additional fine of \$10 for every MPH over such limit.
15. Suspension via the Point System for not more than 1 year or revocation from 90 days to 2 years.
16. The law does not specify either a minimum or a maximum period of suspension.
17. The State regulations limit the suspension period to 6 months. However, the law allows for a suspension period for not more than 1 year.
18. Suspension is via a Point System. A person's license can be suspended from 6 months to 1 year.
19. This suspension is via court order.
20. Suspension or revocation based upon a Point System. The law does not provide for specific periods of license suspension or revocation.
21. The sanctions listed apply to the offense of Willful Speed Competition which is racing which has not been prearranged.
22. The 6 month suspension is via a Point System. However, the court is authorized to suspend a person's license from 30 days to 3 years.
23. License suspension for 30 days via the Driver Improvement Program. A person has to commit numerous traffic law violations before licensing action is taken.
24. The fine is \$42.50 for exceeding the 65 MPH speed limit.

SUMMARY TABLE OF STATE SPEED LAWS

(continued)

25. A person may also be subjected to a license revocation which has an indeterminate period.
26. A person's license may also be revoked for an indefinite period.
27. This State does not have a highway racing offense. The sanction listed are for the offense of excessive speeding.
28. This State does not have a reckless driving offense. The sanctions listed are for the offense of negligent motor vehicle operation.
29. This 90 day suspension is via a Point System. However, the courts can also suspend a person's license from 10 days to 6 months.
30. The period of license revocation is determined by the court. The law does not establish a maximum revocation period.
31. The suspension is based on the frequency of traffic law violations.
32. For violating the 65 MPH speed limit, the fine is \$50 to \$300. For violating other speed limits, the fine is \$30 to \$300.
33. Fifteen (15) day suspension or revocation via court action for driving ≥ 25 MPH over either the 55 or 65 MPH speed limit. For other speeding violations, the court can suspend or revoke a person's license for not more than 1 year. In addition, a person's license is subject suspension or revocation via a Point System from 2 months to 1 year.
34. The court can suspend or revoke a person's license for not more than 1 year. In addition, a person's license is subject suspension or revocation via a Point System from 2 months to 1 year.
35. There are no imprisonment sanctions either (1) for exceeding the 65 MPH speed but >66 MPH but <74 MPH or exceeding the 75 MPH speed limit.

XI.

**SUMMARY TABLE OF SPECIAL SANCTIONS FOR EXCEEDING THE
SPEED LIMIT IN EITHER A CONSTRUCTION OR SCHOOL ZONE**

S T A T E	SANCTIONS FOR SPEEDING IN A CONSTRUCTION ZONE	SANCTIONS FOR SPEEDING IN A SCHOOL ZONE
AK		Six (6) points are assessed on a person's record for exceeding the speed limit in school zone.
AR		<u>1st offense</u> : Jail-1 to 10 days jail/fine-\$25 to \$100 <u>2nd offense</u> (within 1 year): Jail-5 to 25 days/fine-\$50 to \$250 <u>Subsequent offense</u> (within 1 year): Jail-25 days to 6 months/fine-\$250 to \$1,000 <u>3rd offense</u> (within 1 year): License suspension for 1 year
CT	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
FL	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	If a speeding offense occurs in a school zone, the designed fine is double the usual amount.
GA	Jail-not more than 12 months/fine-\$100 to \$2,000	
IL	There is a minimum fine of \$150 .	There is a minimum fine of \$150 .
KY	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
MI		Jail-not more than 90 days/fine-not more than \$100
MO	For speeding in a construction zone, a person is assessed an additional fine of \$35.	
NE	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
NY	<u>Exceeding the speed limit ≤ 10 MPH</u> : Fine-\$60 to \$100 <u>Exceeding the speed limit > 10 MPH but < 30 MPH</u> : Jail-Not more than 30 days/fine-\$120 to \$100 <u>Exceeding the speed limit > 30 MPH</u> : Jail-Not more than 30 days/fine-240 to \$400 For a <u>2nd offense</u> (within 18 months) for any of the above offenses, the fine is increase by \$100. For a <u>subsequent offense</u> (within 18 months) for any of the above offenses, the fine is increase by \$250.	
ND	Fee schedule for exceeding the speed limit by 1 to 10 MPH-\$40 Fee schedule for exceeding the speed limit by > 10 MPH-\$40 plus \$1 for each MPH over 10 MPH	
OH	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	

**SUMMARY TABLE OF SPECIAL SANCTIONS FOR EXCEEDING THE
SPEED LIMIT IN EITHER A CONSTRUCTION OR SCHOOL ZONE**

(continued)

S T A T E	SANCTIONS FOR SPEEDING IN A CONSTRUCTION ZONE	SANCTIONS FOR SPEEDING IN A SCHOOL ZONE
PA	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	Exceeding the speed limit in a school zone-\$35 plus \$2 for every MPH in excess of 5 MPH
SD	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	
TN	For speeding in a construction zone, a person is subject to a fine of from \$250 to \$500. If the offense occurred while operating a commercial vehicle, 2 to 5 points are added to the person's driving record	
VA	The fine for exceeding the speed limit in a construction zone is not more than \$250.	
WV		<u>Subsequent offense</u> (within 2 years): Jail-not more than 6 months <u>1st or subsequent offense</u> : Fine-\$100 to \$500
WI	If a speeding offense occurs in a construction zone, the designed fine is double the usual amount.	<u>1st offense</u> : Fine-\$40 to \$300 <u>Subsequent offense</u> : Fine-\$80 to \$600

JURISDICTION:

ALABAMA

General Reference:

This chapter summarizes Alabama State statutes related to speed.
Code of Alabama

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §32-5A-170

Statutory Speed Limit:

- I. 30 MPH in any urban district §32-5A-171(1)
- II. 35 MPH on any unpaved road §32-5A-171(2)(a)
- III. 45 MPH on any county-maintained paved road in an unincorporated area §32-5A-171(2)(b)
- IV. 55 MPH¹ on highways (except interstate highways or highways with 4 or more lanes) §32-5A-171(3)
- V. 70 MPH¹ on interstate highways §32-5A-171(4)
- VI. 65 MPH¹ on a highway with 4 or more lanes §32-5A-171(4)
- VII. 55 MPH¹ for vehicles carrying explosives, flammable liquids or hazardous wastes except as authorized by the governor §32-5A-171(5)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the State Director of Public Safety and the State Highway Director may increase or decrease the above maximum speed limits on the State highway system.² §§32-5A-171(7) & 32-5A-172
- II. Based on engineering and traffic investigations and subject to approval by the State highway department, local governments may increase or decrease the speed limits on the highways under their jurisdiction. §32-5A-173
- II. State or local authorities may set special maximum safe speed limits for either bridges or elevated structures.³ §32-5A-176

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §32-5A-174(a)

Posted (Minimum) Speed Limit:

A posted minimum speed on a road or highway may be established. Such action must be based on engineering and traffic studies. §32-5A-174(b)

¹Under §32-5A-171(6), the governor is authorized to change the maximum speed limits in order to allow the State to receive Federal highway construction and maintenance funds.

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §32-5A-172

³It appears that §32-5A-176 has replaced §32-5-92 although this later section has not been specifically repealed. Under §32-5-92, State and local officials are authorized to establish maximum safe speed limits for either public bridges, causeways or viaducts. However, this section provides for the following criminal sanctions for a violation of the posted safe speed limit: 1st offense-a jail term of not more than 10 days and/or a fine of not more than \$100; 2nd offense (within 1 year)-a jail term of not more than 20 days and/or a fine of not more than \$200; and, 3rd or subsequent offense (within 1 year)-a jail term of not more than 6 months at hard labor and/or a fine of not more than \$500.

ALABAMA

Basis for a Speed Law Violation:
(continued)

Other:

Adjudication of Speed Violations:

Civil/Criminal Adjudication of Violation: All Speed Violations are Misdemeanors §32-5A-8(a)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **30 days** Subsequent offense (within 1 year)-Not more than **3 months** §32-5A-8(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** Subsequent offense (within 1 year)-Not more than **\$500** §32-5A-8(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ which is based on the frequency and seriousness of the traffic offenses. §32-5A-195(k)(2)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §32-5A-195(m)

Mandatory Minimum Term of

Withdrawal:

None

Miscellaneous Sanctions

Not Included Elsewhere:

Court Authorized Licensing Action. In addition to any other sanction for a criminal violation of the traffic laws, the court may issue an order "forbidding" an offender from operating a motor vehicle for either a specified period of time or perpetually. An appellate court may modify this order. §32-5-316

⁴**Point System.** I. An offender, who accumulates 12 to 14 points in 2 years, is subject to a 60 day suspension. An offender, who accumulates 15 to 17 points in 2 years, is subject to a 90 day suspension. An offender, who accumulates 18 to 20 points in 2 years, is subject to a 120 day suspension. And, an offender, who accumulates ≥24 points in 2 years, is subject to a 365 day suspension. These suspension periods are not mandatory, as the licensing agency may modify them. II. The following points are assigned to speeding or speed related offenses: Reckless driving-6 points; speeding in excess of 79 MPH (i.e., ≥80 MPH)-5 points; and, speeding in excess of the posted speed limit-2 points. §32-5A-195 & Regulation 760-X-.07

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor §§32-5A-8(a) & 32-5A-178(a)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense-5 to 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §32-5A-178(d)
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$500</u> <u>Subsequent offense-\$50 to \$500</u> §32-5A-178(d)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension §§32-5A-178(d) & 32-5A-195(k)(8) Suspension via the Point System ⁴
Length of Term of Licensing Withdrawal:	<u>1st or subsequent offense-6 months</u> §32-5A-178(d) Suspension via the Point System- 60 to 365 days ⁴
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	See Court Authorized Licensing Action on p. 2.
<u>Reckless Driving:</u>	Misdemeanor §§32-5A-8(a) & 32-5A-190(a)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-Not more than 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §32-5A-190(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$500</u> <u>Subsequent offense-\$50 to \$500</u> §32-5A-190(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>1st or subsequent offense-Suspension</u> §32-5A-190(b) Suspension via the Point System ⁴ However for 3 Offenses (within 1 year)- Revocation §32-5A-195(j)(7)
Length of Term of License Withdrawal Action:	<u>Suspension Offenses-Not more than 6 months</u> §32-5A-190(b) Suspension via the Point System- 60 to 365 days ⁴ <u>Revocation Offenses-</u> The law does not specify a revocation period. ⁵
Mandatory Term of License Withdrawal Action:	None

⁵However, the law does provide that a person's license or driving privileges cannot be suspended for more than 1 year. §32-5A-195(m).

ALABAMA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Other:

See Court Authorized Licensing Action on p. 2.

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §32-6-49.11(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §32-6-49.11(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §32-6-49.11(e)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with State or Federal laws. §32-6-49.3(5)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §32-6-49.3(21)

JURISDICTION:

ALASKA

This chapter summarizes Alaska State statutes and regulations related to speed.

General References:

Alaska Statutes and Alaska Administrative Code (AAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent considering the traffic, roadway and weather conditions. 13 AAC 02.275¹

Statutory Speed Limit:
See Other below.

- I. 65 MPH on specific sections of either (2) the Alaska interstate system or (2) outside of urbanized areas with populations $\geq 50,000$. These highway sections are determined via engineering and traffic investigations. 13 AAC 02.280(a) & (b)¹
- II. 25 MPH in a residential area 13 AAC 02.275(b)(3)¹
- III. 20 MPH in a business district 13 AAC 02.275(b)(2)¹
- IV. 15 MPH in an alley 13 AAC 02.275(b)(1)¹

Posted (Maximum) Speed Limit:

- I. Based upon engineering and traffic investigations, the above speed limits, except the 65 MPH limit, may be altered (increased or decreased).² 13 AAC 02.275(e) & 02.280¹
- II. Maximum safe speed limits may be established for bridges, elevated structures, tunnels and underpasses. 13 AAC 02.325(f)¹

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

Other:

- I. Maximum speed when towing a mobile home is 45 MPH. 13 AAC 02.325(b)¹
- II. Maximum speed in a marked public school or playground is 20 MPH 13 AAC 02.325(d)¹
- III. Maximum speed when passing a school displaying flashing yellow lights is 20 MPH 13 AAC 02.325(e)¹

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Above Speed Regulations is an Infraction and Is Not Considered a Criminal Offense §28.40.050(c) & (d)

Other:

¹This State establishes speed limits via regulations. These regulations have been promulgated via Alaska Statutes §28.05.011. **Comment:** It appears that speed regulations could also have been established via §§19.10.070 and 19.10.072. A violation of these statutory provisions, which would, no doubt, include the regulations promulgated under them, would be a misdemeanor. The sanctions for this misdemeanor are a jail term of not more than 1 year and/or a fine of from \$10 to \$500. §19.45.002

²This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. 13 AAC 02.280(c)

ALASKA

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A §28.40.050(d)

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than **\$300** §28.40.050(e)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A person may be required to participate in a driver improvement course if they accumulate 6 or more points within 12 months or 9 or more points within 24 months. §28.15.253

Other:

A driver, who has accumulated sufficient points to be considered a problem driver, may be required to appear for a driver improvement interview. 13 AAC 08.240

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Licensing Action is via a point system.³

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

13 AAC 02.330 via §28.05.011

Sanctions:

Criminal Sanction:

This offense is an Infraction and is not considered to be a Criminal Offense. §28.40.050(c)

Imprisonment (Term):

N/A §28.40.050(d)

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$300** §28.40.050(c)

Mandatory Minimum Fine:

None

³**Point System.** I. A person's license is suspended for 1 month if they either (1) accumulate 12 or more points within a 12 month period or (2) accumulate 18 or more points within a 24 month period. The suspension period is 3 months if person accumulates the required points a second time within a subsequent 24 month period. If the person has had two prior point related suspensions within 24 months and subsequently accumulates the required points within the proscribed period of time, driving privileges are revoked for 1 year. §§28.15.221, 28.15.261 and 13 AAC 08.230 11. The following points are assessed for speeding violations: (1) In a school zone or playground crosswalk-6 points; (2) 3 to 9 MPH over the speed limit-2 points; (3) 10 to 19 MPH over the speed limit-4 points; and, (4) 20 or more MPH over the speed limit-6 points. 13 AAC 08.230(11) III. Ten (10) points are assessed either for reckless driving or for speed contest-racing (racing on the highways). 13 AAC 08.230(3) IV. Six (6) points are assessed for negligent driving. 13 AAC 08.230(7) V. Four (4) points are assessed for careless driving (a municipal code offense). 13 AAC 08.230(13)

Other Criminal Actions Related to Speeding:
(continued)

Racing on the Highway: (continued)

Administrative Licensing Action:

Licensing Action is via a point system.³

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Based on a Substantial and Unjustifiable Risk of Harm to Persons or Property §28.35.040

Sanction:

Misdemeanor §28.35.040(b)

Criminal:

Imprisonment (Term):

Not more than **1 year** §28.35.040(b)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** §28.35.040(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation §28.35.181(a) & (b)

Length of Term of License

Withdrawal Action:

1st offense-Not less than **30 days** 2nd offense (within 10 years)-Not less than **1 year** 3rd or subsequent offense (within 10 years)-Not less than **3 years** §28.15.181(b)

Mandatory Term of License

Withdrawal Action:

1st offense-**None** A limited license for employment may be granted. If this type of driving privilege is allowed, it must remain in effect for at least 60 days. 2nd offense (within 10 years)-Not less than **1 year**⁴ 3rd or subsequent offense (within 10 years)-Not less than **3 years**⁴ §28.15.181(b)

Other:

A driver also accumulates points for this offense.³

Negligent Driving:

Based on an Unjustifiable Risk of Harm to Persons or Property Where There is an Actual Danger (e.g., Accident) §28.35.045

Sanction:

Criminal:

A violation of this provision is an Infraction which is a non criminal offense. §28.35.050(d)

Imprisonment (Term):

N/A §28.40.050(d)

Mandatory Minimum Term

of Imprisonment:

⁴No limited driving privileges for employment can be granted. §28.15.181(b)

ALASKA

Other Criminal Actions Related to Speeding:
(continued)

Negligent Driving: (continued)

Fine (\$ Range): Not more than **\$300** §28.35.050(c)

Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Licensing Action is via a point system.³

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §28.33.140(a)(6)& (c)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §28.33.140(c)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §28.33.140(c)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,000 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §28.40.100(2)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or negligent driving. §28.33.190(10)(A) & (B)

JURISDICTION:

ARIZONA

General References:

This chapter summarizes Arizona State statutes related to speed. Arizona Revised Statutes Annotated and Arizona Administrative Code (AAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent speed under the conditions and actual and potential hazards then existing. §28-701(A)

Statutory Speed Limit:

- I. 15 MPH approaching a school crossing¹ §28-701(B)(1)
- II. 25 MPH in business or residential district¹ §28-701(B)(2)
- III. 65/55 MPH² in other locations¹ §§28-701(B)(3) and 28-702.01(A) & (B)
- VI. 65 MPH on interstate highways outside of urban areas with a population \geq 50,000 §28-702.04(A)
- V. 75 MPH on particular highways³ §28-702.01(C)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the Director of the State Department of Transportation alter the above maximum speed limits on the State highway system.⁴ §28-702
- II. Based on engineering and traffic investigations, local governments may increase (but not > 65 MPH) or decrease the speed limits on highways under their jurisdiction. §28-703

Minimum Speed Limit:

- I. A person shall not drive a motor vehicle at a speed which is less than that which is reasonable and prudent under the existing circumstances. §28-701(E)
- II. A person shall not drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §28-704

Posted (Minimum) Speed Limit:

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Speed Laws is a Civil (Non Criminal) Traffic Infraction §§28-181(B) & 28-1031(A)

¹Exceeding this speed limit "is *prima facie* evidence that the speed is too great and therefor unreasonable." §28-701(B)

²Under §28-701(B)(3), the maximum speed limit on other highways is 65 MPH. However, §28-702.01 appears to limit this maximum speed limit to 55 MPH, except on certain interstate highways.

³The director of the highway department may increase the speed maximum limit to 75 MPH on any highway provided the governor has declared that such action would not result in the loss of Federal highway funds. §28-702.01(C)

⁴This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §28-702

ARIZONA

Adjudication of Speed Law Violations:

(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

N/A

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$250⁵ §28-1076(E)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

I. The licensing agency may require an offender to attend a defensive driving (traffic) school. §28-446(B) & AAC R17-4-506 (via the point system)

II. The court may allow a violator to attend defensive driving school. The civil charges shall be dismissed if the offender successfully completes the course. However, a person can only attend this course once in any 24 month period. §28-492

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Licensing action is via a point system.⁶

Special Note: On highways with posted maximum speed limits of 55 MPH, a person, who is charged with a speeding offense where the speed was > 55 MPH but ≤ 65 MPH, is not subject to licensing action based on such a violation. §28-702.01(G)

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Miscellaneous Sanctions

Not Included Elsewhere:

⁵On highways with a posted maximum speed limit of 55 MPH, a person, who exceeds this limit but whose speed was ≤ 65 MPH, is subject to a fine of not more than \$15. Note: This offense is "designated as the waste of finite resource currently in short supply and is considered a civil traffic violation." §28-702.01(D), (E) & (G)

⁶**Point System.** A person, who accumulates 8 points within 12 months, either (1) may have their license suspended for not more than 1 year or (2) may be required to attend a traffic education and training course. The following points are assessed for speeding and speed related violations: (1) For a violation of any provision of §28-701-2 points; (2) for either reckless driving or racing on the highways-8 points; and, (3) for any other violation-2 points. AAC R17-4-506 (promulgated via §§28-101 and 28-202 et seq.) & §28-448(A)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class 2 Misdemeanor §28-708(A) & (B)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st or subsequent offenses</u> -Not more than 4 months §13-707(A)(2)
Mandatory Minimum Term:	<u>1st offense</u> -None <u>2nd or subsequent offense</u> (within 24 months)- 10 days ⁷ §28-708(B)
Fine (\$ Range):	<u>1st or subsequent offenses</u> -Not more than \$750 §13-802(B)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<u>1st offense</u> - Suspension <u>2nd or subsequent offense</u> (within 24 months)- Revocation §28-708(D)
Length of Term of Licensing Withdrawal:	<u>1st offense</u> -Not more than 90 days <u>2nd or subsequent offense</u> (within 24 months)-Not more than 1 year §§28-448(A) & 28-708(D)
Mandatory Action--Minimum Length of License Withdrawal:	<u>1st offense</u> -None <u>2nd or subsequent offense</u> (within 24 months)- Mandatory Revocation However, the law does not provide for a specific revocation period. §§28-448(A) & 28-708(D)
Other:	The licensing agency may require an offender to attend a defensive driving (traffic) school. §28-446(B) & AAC R17-4-506 (via the point system ⁶)
<u>Reckless Driving:</u>	Class 1 or Class 2 Misdemeanor §28-693(A) & (B)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> -Class 2 Misdemeanor-Not more than 4 months <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor-Not more than 6 months §13-707(A)(1) & (2)
Mandatory Minimum Term of Imprisonment:	<u>1st offense</u> -Class 2 Misdemeanor-None <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor- 20 days ⁷ §28-693(C)
Fine (\$ Range):	<u>1st offense</u> -Class 2 Misdemeanor-Not more than \$750 <u>2nd or subsequent offense</u> (within 24 months)-Class 1 Misdemeanor-Not more than \$2,500 §13-802(A) & (B)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>1st offense</u> - Suspension <u>2nd or subsequent offense</u> (within 24 months)- Revocation §§28-693(B) & (C) and 28-446(A)(4)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -Not more than 90 days <u>2nd or subsequent offense</u> (within 24 months)-Not more than 1 year §§28-693(B) & 28-448(A)

⁷An offender may be allowed to leave the incarceration facility for either employment or educational purposes. §§28-693(D) & 28-708(C)

ARIZONA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Mandatory Term of License
Withdrawal Action:

1st offense-None 2nd or subsequent offense (within 24 months)-
Mandatory Revocation However, the law does not provide for a
specific revocation period. §§28-448(A) & 28-693(C)

Other:

The licensing agency may require an offender to attend a defensive
driving (traffic) school. §28-446(B) & AAC R17-4-506 (via the point
system⁶)

Excessive Speed:
Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Class 3 Misdemeanor⁸ §28-701.02

Not more than **30 days** §13-707(A)(3)

None

Not more than **\$500** §13-802(C)

None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

Licensing action is via a point system.⁶

Other:

I. The licensing agency may require an offender to attend a defensive
driving (traffic) school. §28-446(B) & AAC R17-4-506 (via the point
system⁶)

II. The court may allow a violator to attend defensive driving school.
The criminal charges shall be dismissed if the offender successfully
completes the course. However, a person can only attend this course
once in any 24 month period. §28-492

⁸Excessive speed is defined as either (1) ≥ 35 MPH approaching a school crossing, (2) ≥ 20 MPH above a posted speed limit in either a business or residential district or (3) ≥ 80 MPH in other locations. §28-701.02

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §28-455(F) & (G)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 consecutive days**
3 serious violations (within 3 years)-Not less than **120 consecutive days**
§28-455(F) & (G)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 consecutive days** 3 serious violations (within 3 years)-**120 consecutive days** §28-455(F) & (G)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is a school bus, bus, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §28-402(4)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or racing on the highway. §28-455(K)

ARIZONA

SPEED LAWS

JURISDICTION:

ARKANSAS

General Reference:

This chapter summarizes Arkansas State statutes related to speed.
Arkansas Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at speed that is greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §27-51-201(a)(1)

Statutory Speed Limit:
See Other below.

Controlled-Access Highways-The maximum speed is determined via engineering and traffic studies.¹ §27-51-201(b)(1)
30 MPH² in urban districts §27-51-201(c)(1)
50 MPH² for trucks with a capacity $\geq 1\frac{1}{2}$ tons in other locations (except controlled access highways) §27-51-201(c)(2)
60 MPH² for other vehicles in other locations (except controlled access highways) §27-51-201(c)(3)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic studies, the State Highway Commission may alter the above maximum speed limits on the State highway system. §27-51-204
II. Based on engineering and traffic investigations, local governments may increase the speed limits on highways within their jurisdiction. However, no speed limit can be > 45 MPH. §27-51-206(b)
III. Based on an investigation, the State Highway Commission may establish safe maximum speed limits for bridges or other elevated structures. §27-51-209(a) & (b)

Minimum Speed Limit:

No person shall drive a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic §27-51-208(b)

Posted (Minimum) Speed Limit:

Based upon engineering and traffic studies, a minimum speed limit for any highway may be established §27-51-208(b)

Other:

I. 30 MPH is the maximum speed for a vehicle which is either over width, over length or over height and has a gross weight $\geq 64,000$ lbs. §27-51-201(c)(4)
II. 45 MPH is the maximum speed while towing a house trailer §27-51-210
III. 10 MPH is the maximum speed while operating a vehicle equipped with solid rubber or cushion tires §27-51-211
IV. 25 MPH is the maximum speed when passing a school or while in a school zone during school hours when students are in the school §27-51-212

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Speed Laws is a Misdemeanor Offense. §§27-50-304, 27-50-305 & 27-51-214

¹However, the speed limit on controlled-access highways for trucks with a $\geq 1\frac{1}{2}$ ton capacity must be established at 10 MPH below that established for automobiles. §27-51-201(b)(2)

²This appears to be a *prima facie* speed limit. §§27-51-201(e) & 27-51-202(a)

ARKANSAS

Adjudication of Speed Law Violations:
(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Note: Except as Noted for Speeding in School Zones, the Following Sanctions Apply to all Speed Law Violations.

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** 3rd or subsequent offense (within 1 year)-Not more than **6 months** §§27-50-304 & 27-50-305

Speeding in School Zone-1st offense-1 to 10 days 2nd offense (within 1 year)-**5 to 25 days** 3rd or subsequent offense (within 1 year)-**25 days to 6 months** §27-51-214

Mandatory Minimum Term:

Speeding in School Zone³-1st offense-1 day 2nd offense (within 1 year)-**5 days** 3rd or subsequent offense (within 1 year)-**25 days** §27-51-214

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense (within 1 year)-Not more than **\$200** 3rd or subsequent offense (within 1 year)-Not more than **\$500** §§27-50-304 & 27-50-305

Speeding in School Zone-1st offense-\$25 to \$100 2nd offense (within 1 year)-**\$50 to \$250** 3rd or subsequent offense (within 1 year)-**\$250 to \$1,000** §27-51-214

Mandatory Min. Fine (\$):

Speeding in School Zone³-1st offense-\$25 2nd offense (within 1 year)-**\$50** 3rd or subsequent offense (within 1 year)-**\$250** §27-51-214

Other Penalties:

Traffic School:

Attendance at driver's training school may be required. §27-50-306(3)

Other:

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension via the Courts⁴ §27-50-306(1) **Suspension or Revocation** via a Point System⁵

³The law appears to make the minimum sanction mandatory.

⁴A suspension of not more than 1 year may be imposed by the court. This suspension is based upon a review of the offender's driving record. §27-50-306

⁵**Point System.** I. If an offender accumulates between 14 and 17 points, their license is suspended from 3 to 6 months. If they accumulate between 18 and 23 points, their license is suspended from 6 months to 1 year. And, if they accumulate more than 24 points, their license is either suspended for not less than 1 year or revoked for no more than 1 year. II. The following points are assigned for speeding and speed related offenses: Careless (or negligent) driving-8 points; racing on the highway-8 points; reckless driving-8 points; hazardous driving-3 points; impeding traffic-3 points; speeding 0 to 10 MPH over the limit-3 points; speeding 11 to 14 MPH over the limit-4 points; speeding 15 to 20 MPH over the limit-4 points; speeding 21 to 30 MPH over the limit-5 points; speeding ≥30 MPH

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action: Type of Licensing Action (Susp/Rev): (continued)	<u>Speeding in School Zone</u> -3rd offense (within 1 year)- Suspension §27-51-214(3)(B)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year ⁶ §27-50-306(1) <u>Speeding in School Zone</u> -3rd offense (within 1 year)- 1 year §27-51-214(3)(B)
Mandatory Minimum Term of Withdrawal:	<u>Speeding in School Zone</u> -3rd offense (within 1 year)- 1 year §27-51-214(3)(B)
Miscellaneous Sanctions Not Included Elsewhere:	<u>2nd offense</u> (within 6 months)-An offender may be fined an amount not exceeding double that for a 1st offense and is subject a license revocation for not more than 60 days . <u>3rd or subsequent offense</u> (within 6 months)-An offender may be fined an amount not exceeding double that for a 1st offense and is subject a license revocation for not more than 6 months. §27-51-102(b)(1)& (2)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:	Class A Misdemeanor §§27-50-302(1) & 27-50-309 Not more than 1 year §5-4-401(b)(1) None Not more than \$1,000 §5-4-201(b)(1) None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension via the Courts ⁴ §27-50-306(1) Suspension or Revocation via the Point System ⁵
Length of Term of Licensing Withdrawal: Mandatory Action--Minimum Length of License Withdrawal:	Not more than 1 year ⁴ §27-50-306(1) None ⁵

over the limit-8 points; speeding 0 to 14 MPH over the limit in a CMV-3 points; speeding ≥ 15 MPH over the limit in a CMV-6 points; and, unsafe driving-3 points. §27-14-403(a)& Regulation 2-27-16-907(a)(4) Note: Although listed as offenses under the point system, the Arkansas Code does not make either hazardous or unsafe driving an offense under the law.

⁴I. The offender may be granted conditional or restricted driving privileges during a suspension. §27-50-306(2) II. Suspension or revocation under the point system is discretionary.

ARKANSAS

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Other:

A person may be required to attend a driver's training school. §27-50-306(3)

Reckless Driving:
Sanction:
Criminal:
Imprisonment (Term):

Class B Misdemeanor §§27-50-302(2) & 27-50-308

I. Non-Injury Related Offense: 1st offense-5 to 90 days §20-50-308(b)(1)(B) 2nd or subsequent offense (within 3 years)-**30 days to 6 months** §20-50-308(b)(2)(A)
II. Injury Related Offense-1st offense-30 to 90 days §20-50-308(b)(1)(A) 2nd or subsequent offense⁷ (within 3 years)-**60 days to 1 year** §20-50-308(b)(2)(B)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

I. Non-Injury Related Offense: 1st offense-\$25 to \$500 §20-50-308(b)(1)(B) 2nd or subsequent offense (within 3 years)-**\$500 to \$1,000** §20-50-308(b)(2)(A)
II. Injury Related Offense-1st offense-30 to 90 days §20-50-308(b)(1)(A) 2nd or subsequent offense⁷ (within 3 years)-**60 days to 1 year** §20-50-308(b)(2)(B)

Mandatory Minimum Fine:
Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

None

Suspension via the Courts⁴ §27-50-306(1) **Suspension or Revocation** via the Point System^{5&7}
For 3 convictions within 12 months-**Revocation** §27-50-905(5)

Length of Term of License
Withdrawal Action:

Suspension for not more than **1 year**⁴ §27-50-306(1)
Revocation for **1 year**⁴ §27-50-912

Mandatory Term of License
Withdrawal Action:

For 3 convictions within 12 months-**1 Year Revocation** §§27-50-905(5) & 27-50-912

Other:

A person may be required to attend a driver's training school. §27-50-306(3)

Careless and Prohibited Driving:
Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Violation §§5-1-108, 27-50-301 & 27-51-104(a)

None

Not more than **\$100** §27-51-104
None

⁷The sanctions for a second or subsequent injury offense also apply where the first offense was a non injury related but where the second or subsequent one was so related. §27-50-308(b)(2)(B)

Other Criminal Actions Related to Speeding:
(continued)

Careless and Prohibited Driving:
(continued)

Type of Licensing Action
(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Administrative Licensing Actions:

Suspension via the Courts⁴ §27-50-306(1) **Suspension or Revocation**
via the Point System⁵

Not more than **1 year**⁴ §27-50-306(1)

None⁵

A person may be required to attend a driver's training school. §27-50-306(3)

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §27-23-112(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §27-23-112(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §27-23-112(e)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §27-23-103(6)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §27-23-103(22)

ARKANSAS

SPEED LAWS

JURISDICTION:

CALIFORNIA

General Reference:

This chapter summarizes California State statutes related to speed.
West's Annotated California Codes

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on, and surface and width of, the highway.¹ In no event, shall a speed such as to endanger the safety of persons or property. Veh. Code §22350

Statutory Speed Limit:
See Other below.

65 MPH² (except as noted below) Veh. Code §§22349(a) & 22356
55 MPH on two lane undivided highway Veh. Code §22349(b)
15 MPH³ (*prima facie* limit) on any alley Veh. Code §22352(a)(3)
25 MPH⁴ (*prima facie* limit) in a business or residence district Veh. Code §22352(b)(1)
25 MPH near a children's playground⁵ Veh. Code §22357.1

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic surveys, the State Department of Transportation may establish *prima facie* speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 MPH on the State highway system.⁶ Veh. Code §22354
II. Based on engineering and traffic surveys, a local government may increase the above *prima facie* 25 MPH speed limit. Such government may establish *prima facie* speed limits of 30, 35, 40, 45, 50, 55, 60 or 65 MPH on highways under its jurisdiction.⁷ Veh. Code §22357

¹It is a *prima facie* violation of the basic speed rule to exceed a construction zone speed limit. A construction zone speed limit cannot be <25 MPH. Veh. Code §22362

²Based upon engineering and traffic surveys, the State Department of Transportation may increase the maximum to 70 MPH. Veh. Code §22356(a) Note: Neither the 65 MPH nor 70 MPH maximum speed limits apply to certain types of vehicles per Veh. Code §22406.

³Or when traversing either a uncontrolled railway crossing or uncontrolled highway intersection where the driver does not have a clear and unobstructed view. Veh. Code §22352(a)(1) & (2)

⁴Or (1) when passing a school, which is not separate from the highway by a physical barrier, with a standard "school" warning sign while children are going to or leaving the school or during school hours or (2) when passing a facility used by senior citizens with a standard "senior" warning sign. Veh. Code §22352(b)(2) & (3)

⁵This limit is established by local authorities.

⁶Also, based on engineering and traffic surveys, the State Department of Transportation may establish different speed limits for various times of the day or night. Veh. Code §22355

⁷A local government may also establish a *prima facie* speed limit of 25 MPH on highways under their jurisdiction that are adjacent to a children's playground in a public park. However, such a speed limit is only to be effective during hours when children are expected to use such playground. Veh. Code §22357.1

CALIFORNIA

Basis for a Speed Law Violation: (continued)

III. Based on engineering and traffic surveys, a local government may decrease the 65 MPH speed limit on applicable highways within its jurisdiction. Such government may establish *prima facie* speed limits of 60, 55, 50, 45, 40, 35, 30 or 25 on such highways. Veh. Code §§22358(a) & 22360

IV. Based on engineering and traffic surveys, a local government may decrease the above 25 MPH *prima facie* speed limit to either 15 or 20 MPH on streets under its jurisdiction having a width not more than 25 feet. Veh. Code §22358.3

V. Based on engineering and traffic surveys, a local government may lower the above 25 MPH *prima facie* 15 or 20 MPH for business and residential districts or school zones. Veh. Code §22358.4

VI. Based on engineering and traffic surveys, the State or a local government on highways within their respective jurisdictions may establish different *prima facie* speed limits for different roadways. Veh. Code §22361.

VII. When ice or snow conditions exist, the State Department of Transportation or a local government on highways under their respective jurisdictions may establish *prima facie* speed limits of 40, 35, 30 or 25 MPH. Veh. Code §22363

VIII. Based on engineering and traffic surveys, the State Department of Transportation may establish different speed limits for highway lanes on the State highway system. Veh. Code §22364

IX. The State Department of Transportation or a local government may establish a safe maximum speed limit (but not <5 MPH) for bridges, elevated structures, tubes or tunnels on the highway under their respective jurisdictions. Veh. Code §§22402, 22403, 22404 & 22405

Minimum Speed Limit:

A person shall not drive a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. Veh. Code §22400(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic surveys, the State Department of Transportation may establish a minimum speed on any part of the State highway system. Veh. Code §22400(b)

Other:

I. 55 MPH⁸ is the maximum speed for: (1) A motortruck, (2) a track tractor having three or more axles, (3) a motortruck or track tractor drawing any other vehicle, (4) a passenger vehicle or bus drawing any other vehicle, (5) a schoolbus while transporting pupils, (6) a farm labor vehicle while transporting passengers, (7) a vehicle transporting explosives or (8) a trailer bus. Veh. Code §22406

II. 25 MPH is the maximum speed for vehicles with solid tires and having a gross vehicle weight for $\geq 10,000$ but $< 16,000$ lbs. Veh. Code §22409

⁸Based on engineering and traffic surveys, the State Department of Transportation may reduce the 55 MPH maximum speed limit for motortrucks or truck tractors having gross vehicle weight $\geq 10,000$ lbs. while in a descending grade. The speed limit for these vehicles may be established at 50, 45, 40, 35, 30, 25 or 20 MPH. Veh. Code §22407

Basis for a Speed Law Violation: (continued)

III. 15 MPH is the maximum speed for vehicles equipped with solid tires and having a gross vehicle weight for $\geq 16,000$ but $< 22,000$ lbs. Veh. Code §22409

IV. 6 MPH is the maximum speed for vehicles equipped with metal tires. Veh. Code §22410

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Violations are Infractions Veh. Code §§22351 & 42001(a)
 Other: **Important.** See Miscellaneous Sanctions below.

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

1st offense-Not more than \$100 2nd offense (within 1 year)-Not more than \$200 3rd or subsequent offense (within 1 year)-Not more than \$250 Veh. Code §42001(a)(1), (2) & (3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

The court may order an offender to attend a traffic violator school. Veh. Code §42005

Other:

Double Fines. On certain portions of highways designed under Streets and Highways Code §97, the fines are double the amount noted above. Veh. Code §42010⁹

Traffic Violation Points.¹⁰ An offender is assessed 1 point on their driving record. Veh. Code §12810(e)

⁹This section is only operative until January 1, 1998.

¹⁰**Point System.** A person, who accumulates the request number of points on their driving record, is presumed to be a negligent driver. Such a driver can have their driving privileges suspended for not more than 6 months. However, they may obtain restricted driving privileges for use during the scope of their employment. A person is presumed to be negligent driver if they accumulate either 4 or more points in 12 months, 6 or more points in 24 months, or 8 or more points in 36 months. Veh. Code §§12809, 12810, 12810.5, 12812, 13556 & 13359

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Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension Veh. Code §13200
Term of License Withdrawal (Days, Months, Years, etc.):	<u>1st offense</u> -Not more than 30 days <u>2nd offense</u> -Not more than 60 days <u>3rd or subsequent offense</u> -Not more than 6 months Veh. Code §13200 ¹¹
Mandatory Minimum Term of Withdrawal:	None
Miscellaneous Sanctions Not Included Elsewhere:	I. The following fines apply to offenses involving exceeding the basic speed rule (Veh. Code §22350), exceeding 55 MPH in certain vehicles (Veh. Code §22406) or exceeding the speed established for certain vehicles when descending a grade (Veh. Code §22407): <u>1st offense</u> -Not more than \$100 <u>1st offense</u> (where speed was ≥ 10 MPH over the limit)-Not more than \$200 <u>2nd or subsequent offense</u> -Not more than \$300 Veh. Code §42000.5 II. For speeding in a tank vehicle transporting >500 gallons of flammable liquids, in willful or wanton disregard for the safety of others, a person is subject to the following <u>additional</u> sanctions: <u>1st offense</u> -Not more than \$500 <u>2nd or subsequent offense</u> (within 2 years)-Not more than \$2,000 and suspension of hazardous material or cargo tank endorsement for ≤6 months Veh. Code §22406.5 III. The fines are increased by one category under Veh. Code §40310 ¹² if the speeding offense occurred while in a highway construction zone. Veh. Code §42009

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> ¹³ :	Misdemeanor Veh. Code §§23109 & 40000.15
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>Speed Contest</u> : <u>1st offense</u> - 24 hours to 90 days <u>Subsequent offense</u> (within 5 years)- 4 days to 6 months Veh. Code §23109(e) & (f) <u>Exhibition of Speed</u> : Not more than 90 days Veh. Code §23109(i)
Mandatory Minimum Term:	<u>Speed Contest</u> : <u>1st offense</u> -None <u>Subsequent offense</u> (within 5 years)- 48 hours Veh. Code §23109(f) <u>Exhibition of Speed</u> : None

¹¹This code provision does not state a time period within which a second or subsequent offense must be committed after a first in order to impose enhanced sanctions. As a result, it appears that the enhanced licensing sanctions apply regardless of the time lapse between first and second or subsequent offense.

¹²This section of the Vehicle Code provides that the California Judicial Council shall establish a uniform traffic fine schedule.

¹³The law makes it an offense to "engage in any motor vehicle speed contest on a highway" or "engage in any exhibition of speed on a highway".

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highways: (continued)

Fine (\$ Range):

Speed Contest: 1st offense-\$355 to \$1,000 Subsequent offense (within 5 years)-**\$500 to \$1,000** Veh. Code §23109(e) & (f)

Exhibition of Speed: Not more than **\$500** Veh. Code §23109(i)

Mandatory Minimum Fine:

Speed Contest: 1st offense or subsequent offense (within 5 years)-None
Exhibition of Speed: **None**

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

For Speed Contest-**Suspension** Veh. Code §13352(a)(8) and 23109(e) & (f)

Length of Term of

Licensing Withdrawal:

Speed Contest: 1st offense-Suspension 90 days to 6 months Veh. Code §§13352(a)(8) & 23109(e) Subsequent offense (within 5 years)-**Suspension 6 months** Veh. Code §§13352(a)(9) & 23109(f)

Exhibition of Speed: **None**

Mandatory Action--Minimum

Length of License

Withdrawal:

Speed Contest: 1st or subsequent offense (within 5 years)-**None**⁴

Exhibition of Speed: **None**

Other:

I. Speed Contest: 1st or subsequent offense (within 5 years)-If the vehicle is owned by the offender, it may be impounded from **1 day to 30 days**. Veh. Code §23109(h)

II. For either offense, the court may order an offender to attend a traffic violator school. Veh. Code §42005

III. **Traffic Violation Points.**¹⁰ For either offense, a defendant is assessed 1 point on their driving record. Veh. Code §12810(e)

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor Veh. Code §§23103(a), 40000.15 & 40000.24

5 days to 90 days Veh. Code 23103(c)

None

\$145 to \$1,000 Veh. Code 23103(c)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation Veh. Code §§13200 & 13351(a)(2)

¹⁴For either a first or subsequent offense, an offender may obtain restricted driving privileges for the purpose of traveling to and from work or to perform duties within the scope of employment. Veh. Code §23109(e) & (f)

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

1st offense-Suspension for not more than **30 days** 2nd offense-Suspension for not more than **60 days** 3rd or subsequent offense-Suspension for not more than **6 months** Veh. Code §13200⁹ Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Mandatory Term of License

Withdrawal Action:

Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Other:

I. The court may order an offender to attend a traffic violator school. Veh. Code §42005
II. **Traffic Violation Points.**¹⁰ An offender is assessed 2 points on their driving record. Veh. Code §12810(c)

Reckless Driving Causing Bodily Injury:

Sanction:

Criminal:

Imprisonment (Term):

Veh. Code §§23104, 40000.15 & 40000.24

1st offense-**30 days to 6 months** (in the county jail) Subsequent offense-**30 days to 6 months** (in either the State prison¹⁵ or county jail) Veh. Code §23104(a) & (b)

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

None

1st or subsequent offense-**\$220 to \$1,000** Veh. Code §23104(a) & (b)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Revocation¹⁶ Veh. Code §§13350(a)(3) & 13351(a)(2)

1 year Veh. Code §13350(c) Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Mandatory Term of License

Withdrawal Action:

1 year Veh. Code §13350(c) Three (3) or more offenses (within 12 months)-Revocation for **3 years**. Veh. Code §13351(a)(2) & (b)

Other:

I. The court may order an offender to attend a traffic violator school. Veh. Code §42005
II. **Traffic Violation Points.**¹⁰ An offender is assessed 2 points on their driving record. Veh. Code §12810(c)

¹⁵Under Penal Code §17, a person, who is punished by imprisonment in the State prison, is considered to have committed a felony.

¹⁶The offender is also subject to license suspension for not more than 6 months under Veh. Code §13201.

Other Criminal Actions Related to Speeding:
(continued)

<u>Speed in Excess of 100 MPH:</u>	Infraction Veh. Code §22348(b)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<u>1st or subsequent offense</u> -Not more than \$500 Veh. Code §§22348(b) & 42000.1
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension Veh. Code §§22348(b), 13200.5 and 13355(a) & (b)
Length of Term of License Withdrawal Action:	<u>1st offense</u> -Not more than 30 days Veh. Code §§22348(b)(1) & 13200.5 <u>2nd offense</u> (within 3 years)-6 months Veh. Code §§22348(b)(2)& 13355(a) <u>3rd or subsequent offense</u> (within 5 years)-1 year Veh. Code §§22348(b)(3) & 13355(b)
Mandatory Term of License Withdrawal Action:	None Note: In the case of a 1st offense, suspension is discretionary. For 2nd and subsequent offenses, suspension is mandatory. However, restricted driving privileges are available to allow an offender either to travel to and from work or to perform employment related duties. Veh. Code §§22348(b)(1), 13200.5 and 13355(a) & (b)
Other:	I. The court may order an offender to attend a traffic violator school. Veh. Code §42005 II. Traffic Violation Points. ⁸ An offender is assessed 2 points on their driving record. Veh. Code §12810(d)(1)

Commercial Motor Vehicle (CMV) Operators¹⁷:

<u>Grounds for Disqualification:</u>	No person may operate a CMV if they have either (1) been convicted of 2 "serious traffic violations" ¹⁸ within a 3 year period or (2) been convicted of 3 such violations within a 3 year period while driving a CMV. Veh. Code §§15306 & 15308
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¹⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., were the towed vehicle weighs ≥10,000 lbs., is a trailer bus, is carrying a hazardous materials which require that the vehicle to be placarded in under either the Vehicle or Health and Safety codes. Veh. Code §§12804.9(b), 15210(b)(1) & (k) and 15278(a)(4)

¹⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Veh. Code §15210(i), 49 USC §31301(12) & 49 CFR 383.5

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Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Disqualification:

2 serious violations (within 3 years)-60 days 3 serious violations
(within 3 years)-**120 days** Veh. Code §§15306 & 15308

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-60 days 3 serious violations
(within 3 years)-**120 days** Veh. Code §§15306 & 15308

JURISDICTION:

COLORADO

General Reference:

This chapter summarizes Colorado State statutes related to speed.
Colorado Revised Statutes and Code of Colorado Regulations (CCR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §42-4-1101(1)

Statutory Speed Limit:
See Other below.

65 MPH¹ on the interstate system² §42-4-1101(2)(g)
55 MPH¹ on an open highway not on the interstate system² §42-4-1101(2)(f)
30 MPH in a residence district² §42-4-1101(2)(c)
40 MPH on open mountain highways² §42-4-1101(2)(d)
25 MPH in a business district §42-4-1101(2)(b)
20 MPH on narrow, winding mountain highways or blind curves §42-4-1101(2)(a)

Posted (Maximum) Speed Limit:

I. State and local authorities, based on traffic investigations and surveys, may alter (increase or decrease) the above speed limits.² However, no posted maximum speed limit may be in excess of 75 MPH. §§42-4-1101(2)(h) & 42-4-1102 Note: Colorado law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. The State, based on traffic investigations and surveys, may establish maximum speed limits for elevated structures. §42-4-1104(2)

Minimum Speed Limit:

A person shall not drive a motor vehicle at such a slow speed so as to impede or block the normal and reasonable forward movement of traffic. §42-4-1103(1)

Posted (Minimum) Speed Limit:

The State or local authorities, based on traffic investigations and surveys, may post a minimum speed limit on any part of a highway. §42-4-1103(2)

Other:

I. 45 MPH for all vehicles in the business of transporting trash² §42-4-1101(2)(e)
II. A person shall not drive a vehicle over any bridge or other elevated structure at an unsafe speed. §42-4-1104(1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted Under Miscellaneous Sanctions, All Speed Law Violations are Class A Traffic Infractions. §§42-4-1101(12), 42-4-1103(5), 42-4-1104(4) & 42-4-1701(1)

Other:

¹Based upon traffic investigations and surveys, the posted maximum limit may be increased to 75 MPH. §42-4-1102

²Operating a motor vehicle in excess of this speed limit is *prima facie* evidence that such speed was not reasonable or prudent under the conditions then existing. §42-4-1101(4) Note: State law appears to be silent as to whether different highway speed limits may be established either for different types of vehicles or for other reasons.

COLORADO

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

\$15 to \$100 §42-4-1701(3)(a)(I)

Mandatory Min. Fine (\$):

Per Penalty Schedule³ §42-4-1701(4)(a)(I)(L)

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ §42-2-127

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than 1 year §42-2-132(1)

Mandatory Minimum Term of

Withdrawal:

None A probationary license with restrictions may be issued §42-2-127(12)

Miscellaneous Sanctions

Not Included Elsewhere:

Driving 25 MPH or more in excess of either the reasonable and prudent speed or the 75 MPH maximum limit is a Class 2 Misdemeanor Traffic Offense. §42-4-1101(12) The sanctions for this offense are a jail term of 10 to 90 days and/or a fine of \$10 to \$300. §42-4-1701(3)(a)(II)

³The following fines and surcharges respectively are levied for speeding violations. Fifteen dollars (\$15) and \$2 for going 1 to 4 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Thirty-five dollars (\$35) and \$4 for going 5 to 9 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Fifty dollars (\$50) and \$6 for going 10 to 19 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. One hundred dollars (\$100) and \$12 for going 20 to 24 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Thirty-five dollars (\$35) and \$4 for failure to decrease speed when hazardous conditions exist. Fifteen dollars (\$15) and \$2 for violating either the minimum speed law (§42-1-1103) or posted maximum speed limits on elevated structures (§42-4-1104). §42-4-1701(4)(a)(I)(L)

⁴**Point System. I. Point Accumulation.** A driver's license is subject to suspension if they accumulate either 12 points within 12 consecutive months or 18 points with 24 consecutive months. For provisional drivers, suspension would occur if they accumulate either 9 points within 12 consecutive months, 12 points within any 24 consecutive months or 14 points from the time the provisional license was issued. In the case of minor drivers, suspension would occur if they accumulate either 5 points within 12 consecutive months or 6 points from the time the license was issued. For chauffeurs, suspension would occur if they accumulate (while in the course of employment) either 16 points in 1 year, 24 points in 2 years or 28 points in 4 years. §42-2-127(1)(a) **II. Point Schedule.** The following points are assigned for speeding violations. Three (3) points for going 5 to 9 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Four (4) points for going 10 to 19 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. Six (6) points for going 20 MPH or more over either the reasonable and prudent speed or the 75 MPH maximum limit. Also, 3 points are assessed for failure to reduce speed when a special hazard exists. No points are assessed for going 1 to 4 MPH over either the reasonable and prudent speed or the 75 MPH maximum limit. §42-2-127(5)(f)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Speed Contest Class 2 Misdemeanor Traffic Offense §42-4-1401(1) & (3)
Sanctions:	
Criminal Sanction:	
Mandatory Minimum Term:	None
Fine (\$ Range):	\$10 to \$300 §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via a Point System⁴ §42-2-127 For this offense, a driver is assessed 12 points which results in suspension under the point system. §42-2-127(1)(a) & (5)(c)
Length of Term of Licensing Withdrawal:	Not more than 1 year §42-2-132(1)
Mandatory Action--Minimum Length of License Withdrawal:	None A probationary license with restrictions may be issued §42-2-127(12)
Other:	
<u>Reckless Driving⁵:</u>	Class 2 Misdemeanor Traffic Offense §42-4-1401
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-10 to 90 days</u> §42-4-1701(3)(a)(II)(A) <u>2nd or subsequent offense-10 days to 6 months</u> §42-4-1401(2)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$10 to \$300</u> §42-4-1701(3)(a)(II)(A) <u>2nd or subsequent offense-\$50 to \$1,000</u> §42-4-1401(2)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System⁴ §42-2-127 For this offense, a driver is assessed 8 points. §42-2-127(1)(a) & (5)(d) Revocation for 3 reckless driving offense convictions within 3 years §42-2-125(1)(f)
Length of Term of License Withdrawal Action:	Suspension for not more than 1 year §42-2-132(1) Revocation for 1 year §42-2-132(2)
Mandatory Term of License Withdrawal Action:	Suspension in not mandatory. A probationary license with restrictions may be issued. §42-2-127(12) Revocation is for mandatory period of 1 year. §42-2-132(2)
Other:	

⁵Operating a motor vehicle in either a wanton or a willful manner so as to disregard the safety of either persons or property. §42-4-1401(1)

COLORADO

Other Criminal Actions Related to Speeding: (continued)

<u>Careless Driving</u> ⁶ :	Class 2 Misdemeanor Traffic Offense or, if there is bodily injury or death to another person, Class 1 Misdemeanor Traffic Offense §42-4-1402(2)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>Non injury/death related offense-10 to 90 days</u> <u>Injury/Death related offense-10 days to 1 year</u> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>Non injury/death related offense-\$10 to \$300</u> <u>Injury/Death related offense-\$100 to \$1,000</u> §42-4-1701(3)(a)(II)(A)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁴ §42-2-127 For this offense, a driver is assessed 4 points. §42-2-127(1)(a) & (5)(e)
Length of Term of License Withdrawal Action:	Not more than 1 year §42-2-132(1)
Mandatory Term of License Withdrawal Action:	None A probationary license with restrictions may be issued §42-2-127(12)
Other:	

Commercial Motor Vehicle (CMV) Operators⁷:

<u>Grounds for Suspension:</u>	A person's CDL privilege is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations" ⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)
<u>Period of Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)
<u>Period of Mandatory Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §42-2-403(2) and 1 CCR 204-12(6) & (7)(d)

⁶Operating a motor vehicle without due regard for the width, grade, curves, corners, traffic and use of the streets and all other attendant circumstances. §42-4-1402(1)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §42-2-402(4)(a)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §42-2-403(2), 1 CCR 204-12(6) & (7)(d) and 49 CFR 383.5

JURISDICTION:

CONNECTICUT

General References:

This chapter summarizes Connecticut State statutes related to speed. Connecticut General Statutes Annotated and Regulations of Connecticut State Agencies (RCSA)

Basis for a Speed Law Violation:

Basic Speed Rule:	Traveling Unreasonably Fast. No person shall drive a motor vehicle at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. §§14-218a(a) & 14-281a(a)
Statutory Speed Limit: See Other below.	55 MPH upon any highway §14-219(a) 50 MPH for a school bus on a divided limited access highway §14-281a(a) 40 MPH for a school bus on all other highways §14-281a(a)
Posted (Maximum) Speed Limit:	The State Traffic Commission may determine speed limits ¹ on any highway, bridge, or parkway. §14-218a(a)
Minimum Speed Limit:	No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §14-220(a)
Posted (Minimum) Speed Limit:	40 MPH ² on a limited access divided highway §14-220(a)
Other:	I. Driving such a rate of speed as to endanger the life of a vehicle occupant. §14-219(a) II. A person must obtain a special permit to operate a vehicle on a highway with a normal speed ≤ 15 MPH while transporting 3 or more persons for pleasure purposes (whether or not for hire). §14-221

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Infractions. §§14-218a(b), 14-219(b), 14-220(c), 14-221 & 14-281a(c)
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions: Imprisonment: Term (Day, Month, Years, Etc.); Mandatory Minimum Term:	None
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¹"[D]iffering limits may be established for different types of vehicles...." In addition, any speed in excess of this limit is *prima facie* evidence that such speed was not reasonable. §14-218a(a) Note: Local governments may establish speed limits on the streets under their jurisdiction. However, such speed limits must be approved by the State Traffic Commission. §14-218a(a)

²This minimum speed does not apply either (1) to highway maintenance vehicles or (2) to certain types commercial vehicles on grades. §14-220(a)

CONNECTICUT

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:

Amount (\$ Range):

I. Except for speed law offenses committed under §14-219, a fine of not more than \$50 §14-296

II. For speed law offenses committed under §14-219, a fine of \$35 to \$90³ §51-164m(c)

III. \$35 to \$90³ or \$100 to \$150³ if the offender was operating a truck.⁴ For speeds (1) > 55 MPH but ≤ 70 MPH on multiple line limited access highways and (2) on any other highway > 55 MPH but ≤ 60 MPH §§14-219(b) and 51-164m(c) & (d)

IV. \$100 to \$150³ or 150 to \$200³ if the offender was operating a truck.⁴ For speeds (1) > 70 MPH but ≤ 85 MPH on multiple line limited access highways and (2) on any other highway > 60 MPH but ≤ 85 MPH §§14-219(c) & 51-164m(d)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Driver Retraining Program. I. A person, who commits 2 or more moving violations, may be required to complete a driver retraining program. §14-111g

II. A person ≥ 18 years old, who commits 2 or more moving violations within 1 year of obtaining a driver's license, may be required to complete a driver retraining program. §14-296d

Other:

Double Fines. If the speeding offenses occurred in a designated construction zone, the fine sanction is double the usual amount. §1 of Public Act 95-181

Licensing Action:

Type of Licensing Action
(Susp/Rev):

I. **Suspension or Revocation-**For offenses committed under §14-219 §14-111b

II. **Suspension** under either the Point System or for Unsafe Vehicle Operation for other speeding violations⁵ §14-111 and RCSA §§14-137-82, 14-137a-5 & 14-137a-8

³For offenses committed under §14-219, the fine sanctions to be imposed are established by the superior court via a fine schedule. This schedule consists of a sliding fine scale which must be based upon the severity of the violation. §51-164m

⁴A truck is defined as "every motor vehicle designed, used or maintained primarily for the transportation of property." §14-260n(4)

⁵**Point System.** I. If a person accumulates 10 points within a 24 month period, their license is suspended for 30 days. After such suspension if, a person again commits an offense (within 5 years from the beginning of the 30 day suspension period) which raises the point accumulation above 10, their license is suspended until the point total is ≤ 10. Points remain on the driver's record for 24 months from the date of assessment. II. The following points are assessed for speeding violations: One (1) point for either operating at an unreasonable speed under §14-218a or for a violation of §14-219; two (2) points for driving at such a slow speed as to impede traffic under §14-220; three (3) points for racing on the highways under §14-224(c); and, five (5) points for operating a school bus at an excessive speed under §14-281a. RCSA §§14-137a-5, 14-137a-6 & 14-137-8 **History of Unsafe Operation.** If a person has had 4 unsafe moving traffic convictions within 2 years, their license is subject to a 30 day suspension. Such convictions include most speeding offenses and other rules of the road violations. §14-111(a) & RCSA §14-137-82

Sanctions Following an Adjudication of a Speeding Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):

I. For offenses committed under §14-219: 1st, 2nd or 3rd offense-Not more than **30 days** (but only if the court recommends suspension or revocation) §14-111b(a) 4th offense (within 2 years)-Not more than **30 days** 5th offense (within 2 years)-Not more than **60 days** Subsequent offense (within 2 years)-**6 months** §14-111b(b) & (c)
II. For Other Speeding Violations: **30 days** if the requisite number of points have been accumulated.⁵

Mandatory Minimum Term of
Withdrawal:

The above licensing actions may be mandatory.

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁶:

Misdemeanor §§14-224(c) & (g) and 53a-26(a)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense or subsequent offense (within 10 years)-Not more than **1 year** §§14-1(a)(69) & 14-224(g)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-**\$75 to \$600** Subsequent offense (within 10 years)-**\$100 to \$1,000** §§14-1(a)(69) & 14-224(g)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension under either the Point System or for Unsafe Vehicle Operation⁵ §14-111 and RCSA §§14-137-82, 14-137a-5 & 14-137a-8

Length of Term of

Licensing Withdrawal:

30 days if the requisite number of points have been accumulated.⁵

Mandatory Action--Minimum

Length of License

Withdrawal:

The above licensing actions may be mandatory.

Other:

⁶Under §14-224(c), "[n]o person shall operate a motor vehicle upon any public highway for a wager or for any race or for the purpose of making a speed contest."

CONNECTICUT

Other Criminal Actions Related to Speeding: (continued)

<u>Reckless Driving:</u>	Misdemeanor ⁷ §§14-222 & 53a-26(a)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §14-222(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$100 to \$300 §14-222(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §14-111(b)
Length of Term of License Withdrawal Action:	<u>1st offense-30 to 90 days</u> <u>Subsequent offense-Not less than 90 days</u> §14-111(b)
Mandatory Term of License Withdrawal Action:	<u>1st offense-30 days</u> <u>Subsequent offense-90 days</u> §14-111(b) Note: Given the wording in §14-111(b), these suspensions appear to be mandatory.

Other:

Commercial Motor Vehicle (CMV) Operators⁸:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §14-44k(g)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §14-44k(g)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-60 days <u>3 serious violations</u> (within 3 years)-120 days §14-44k(g)

⁷Reckless driving is defined as operating a motor vehicle either (1) recklessly, having regard to the width, traffic and use of such highway, road, school property or parking area, the intersection of streets and the weather conditions, (2) at a rate of speed as to endanger the life of any person (other the vehicle operator), or (3) at a rate of speed > 85 MPH. §14-222(a)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, is designed to transport 10 or more persons and is used to carry students under the age of 21, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §14-1(a)(11)

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §14-1(a)(71)

JURISDICTION:

DELAWARE

General Reference:

This chapter summarizes Delaware State statutes related to speed.
Delaware Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and without having regard to the actual and potential hazards then existing. Speed shall be so controlled as to avoid a collision. Title 21, §4168(a)

**Statutory Speed Limit:
See Other below.**

55 MPH on 4 lane roadways and divided highways Title 21, §4169(a)(1)e
50 MPH on 2 lane roadways Title 21, §4169(a)(1)d
25 MPH in either a business or residential district Title 21, §4169(a)(1)a & (a)(1)b
20 MPH at school crossings where signs are in effect during specific time periods Title 21, §4169(a)(1)c

Posted (Maximum) Speed Limit:

I. Based on engineering studies and traffic investigations, the State Department of Transportation may increase or decrease the above speed limits on any particular portion of a highway.¹ Title 21, §4169(b)
II. Based on engineering studies and traffic investigations, local authorities, within their respective jurisdictions, may increase or decrease the above speed limits on any particular portion of a highway. However, the alteration of speed limits on State maintained highways requires the approval of the Department of Public Safety. Title 21, §4170(b) & (b)

Minimum Speed Limit:

A person shall not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 21, §4171(a)

Posted (Minimum) Speed Limit:

A minimum safe speed limit on a highway (or a part thereof) may be established. Title 21, §4171(b)

Other:

No person shall exceed the maximum posted speed limit which has been established for any bridge or elevated structure. Title 21, §4173(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 11, §233(c) and Title 21, §§4168, 4169, 4170, 4171 & 4173

Other:

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. Title 21, §4169(b)

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Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

I. Sanctions for Violating Speed Rules Except as Noted Below: 1st offense-None Subsequent offense (within 12 months)-10 to 30 days Title 21, §4205(a)

**II. Sanctions for Violating Maximum or Posted Maximum Speed Limits (Title 21, §4169 Violations): 1st offense-None Subsequent offense (within 24 months)-10 to 30 days Title 21, §4169(c)(1)
None**

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Sanctions for Violating Speed Rules Except as Noted Below: 1st offense-\$25 to \$115 Subsequent offense (within 12 months)-\$57.50 to \$230 Title 21, §4205(a)

**II. Sanctions for Violating Maximum or Posted Maximum Speed Limits (Title 21, §4169 Violations): 1st offense-\$20 Subsequent offense (within 24 months)-\$25 Title 21, §4169(c)(1)
None**

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

Other:

Defensive Driving Course²

Additional Fines: The following additional fines apply for exceeding the maximum or maximum posted speed limit under Title 21, §4169.

I. Exceeding the speed limit by > 5 MPH but < 16 MPH-1st offense-\$1 per MPH over the speed limit Subsequent offense-\$2 per MPH over the speed limit Title 21, §4169(c)(2)

II. Exceeding the speed limit by > 15 MPH but < 20 MPH-1st offense-\$2 per MPH over the speed limit Subsequent offense-\$3 per MPH over the speed limit Title 21, §4169(c)(3)

III. Exceeding the speed limit by > 19 MPH-1st offense-\$3 per MPH over the speed limit Subsequent offense-\$4 per MPH over the speed limit Title 21, §4169(c)(4)

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension² Title 21, §§302 & 2733³

²**Point System.** I. If an offender accumulates 12, 14, 16, 18, 20 or > 20 points, their license is suspended respectively for 2, 4, 6, 8, 10 or 12 months. II. The following points are assigned for speeding and speed related violations: One (1) to 9 MPH over the posted limit-2 points; 10 to 14 MPH over the limit-4 points; 15 to 19 MPH over the limit-5 points; ≥20 MPH over the limit-5 points; reckless driving-6 points; other violations-2 points. III. If an offender completes a defensive driving course, the suspension period may be reduced by 1 or 2 months. However, the minimum period of suspension is 1 month. Policy Regulation No. 45 issued under the authority of Title 21, §§302 & 2733 by the Department of Public Safety

Additional Suspensions. I. For exceeding the speed limit by ≥25 MPH, a 2 month suspension plus a 1 month for each additional 5 MPH over the initial 25 MPH. II. For exceeding the speed limit by ≥90 MPH, suspension for 1 year. Policy Regulation No. 45 issued under the authority of Title 21, §§302 & 2733 by the Department of Public Safety

³Title 21, §2733 authorizes the Department of Public Safety to suspend a persons' license based on whether such person is either an habitual, reckless or negligent driver.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.): Not more than 1 year²
Mandatory Minimum Term of
Withdrawal: The suspensions either under the Point System or for excessive speeding
appear to be mandatory.²

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁴: Misdemeanor Title 11, §233(c) & Title 21, §4172
Sanctions:
Criminal Sanction:
Imprisonment (Term): 1st offense-10 to 30 days Subsequent offense-15 to 60 days Title 21,
§4172(d)
Mandatory Minimum Term: None
Fine (\$ Range): 1st offense-\$25 to \$200 Subsequent offense-\$50 to \$400 Title 21,
§4172(d)
Mandatory Minimum Fine: None
Administrative Licensing Action:
Licensing Authorized and
Type of Action: Suspension Title 21, §4172(d)
Length of Term of
Licensing Withdrawal: 1st offense-Not more than 6 months Subsequent offense-1 year Title
21, §4172(d)
Mandatory Action--Minimum
Length of License
Withdrawal: 1st offense-1 month Policy Regulation No. 45 issued under the
authority of Title 21, §§302 & 2733 by the Department of Public Safety
Subsequent offense-1 year⁵ Title 21, §4172(d)
Other:
Reckless Driving: Misdemeanor Title 11, §233(c) & Title 21, §4175(a)
Sanction:
Criminal:
Imprisonment (Term): 1st offense-10 to 30 days Subsequent offense (within 3 years)-30 to 60
days Title 21, §4175(2)

⁴The law prohibits racing, speed competitions, speed contests, drag racing or acceleration contests, et al. Title 21, §4172(a)

⁵Given the language used in Title 21, §4172(d), this sanction appears to be mandatory.

DELAWARE

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Mandatory Minimum Term
of Imprisonment:

1st offense-None⁶ Subsequent offense (within 3 years)-**30 days**⁴ Title
21, §4175(2)

Fine (\$ Range):

1st offense-\$100 to \$300 Subsequent offense (within 3 years)-**\$300 to
\$1,000** Title 21, §4175(2)

Mandatory Minimum Fine:

1st offense-\$100⁷ Subsequent offense (within 3 years)-**\$300** Title 21,
§4175(2)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System²

Length of Term of License

Withdrawal Action:

Not more than **1 year**²

Mandatory Term of License

Withdrawal Action:

The suspensions under the Point System appear to be mandatory.²

Other:

Careless or Inattentive Driving⁸:

Misdemeanor Title 11, §233(c) & Title 21, §4176(a)

Sanction:

Criminal:

Imprisonment (Term):

1st offense-None Subsequent offense (within 3 years)-**10 to 30 days**
Title 21, §4176(c)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense-\$25 to \$115 Subsequent offense (within 3 years)-**\$50 to
\$230** Title 21, §4176(c)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System²

Length of Term of License

Withdrawal Action:

Not more than **1 year**²

Mandatory Term of License

Withdrawal Action:

The suspensions under the Point System appear to be mandatory.²

Other:

⁶The law provides that for a first offense the imprisonment sanction can be suspended. As a result, it would seem that the minimum incarceration sanction for subsequent offenses is mandatory. Title 21, §4175(b)

⁷Except for incarceration for a first offense, the law provides that the sanctions for reckless driving cannot be suspended. As a result, it would seem that the minimum fine sanction for either a first or subsequent offenses are mandatory. Title 21, §4175(b)

⁸Operation of "a vehicle in a careless or imprudent manner, or without due regard for road, weather and traffic conditions then existing..." Title 21, §4176(a)

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is subject to CDL disqualification if, while driving a CMV, they (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. 21 §2612(e)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 21 §2612(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 21 §2612(e)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. 21 §2603(6)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 21 §2603(22) & 49 CFR 383.5

DELAWARE

JURISDICTION:

DISTRICT OF COLUMBIA

General References:

This chapter summarizes D.C. statues and regulations related to speed. D.C. Code and D.C. Municipal Regulations (DCMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.3

Statutory Speed Limit:

25 MPH D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.6
15 MPH in alleys D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.7
15 MPH in streets adjacent to school buildings or playgrounds when indicated by official signs D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §§2200.8 & 2200.9

Posted (Maximum) Speed Limit:

Based upon engineering and traffic investigations, the maximum speed limits may be increased or decreased on any highway. D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.2 Note: D.C. law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

Minimum Speed Limit:

No person shall drive a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. D.C. Code §§40-703(a)(6) & 40-712(a) and Title 18 DCMR §2200.10

Posted (Minimum) Speed Limit:

None

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Excepted as Noted Under Miscellaneous Sanctions, All Speed Law Violations are Civil Offenses (Infractions). D.C. Code §40-712(d) and Title 18 DCMR §2200.11

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (& Range):

Violation of Basic Speed Rule-**\$25** Title 18 DCMR §2600.1

Violation of the Minimum Speed Rule-**\$15** Title 18 DCMR §2600.1

DISTRICT OF COLUMBIA

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:	
Amount (\$ Range): (continued)	Speed Limit Violations-\$15 to \$100 The fine imposed depends upon either the extent or type of the speeding offense. ¹ Title 18 DCMR §2600.1
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	A person may be invited to attend a Diver Safety Clinic if their point accumulation total ≥ 4 but is < 8 . See Footnote No. 2. Title 18 DCMR §303.4
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation via the Point System ² D.C. Code §40-302 and Title 18 DCMR §§303.1 & 303.3
Term of License Withdrawal (Days, Months, Years, etc.):	
Mandatory Minimum Term of Withdrawal:	I. Suspension may be from 2 to 90 days depending upon the seriousness of the offense. Title 18 DCMR §306.1 II. Revocation- 6 months Note: For subsequent offenses, a longer revocation period is possible. However, such period must for a definite period of time. Title 18 DCMR §306.4
Miscellaneous Sanctions Not Included Elsewhere:	Criminal Offense. A person is subject to criminal prosecution if they commit a traffic infraction and have already accumulated 12 or more points on their driving record within previous 18 months. Under such circumstances, they are subject to a jail term of not more than 10 days and/or a fine of not more than \$300. D.C. Code §40-613(a)

Other Criminal Actions Related to Speeding:

<u>Exceeding Speed Limit by 30 MPH:</u>	
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 90 days Title 18 DCMR §2200.12
Mandatory Minimum Term:	None

¹For speed ≤ 10 MPH over the limit, the fine is \$15. For speed ≥ 11 MPH but ≤ 15 MPH over the limit, the fine is \$25. For speed ≥ 16 MPH but ≤ 20 MPH over the limit, the fine is \$50. For speed ≥ 21 MPH but ≤ 25 MPH over the limit, the fine is \$75. And, for speed > 25 MPH over the limit, the fine is \$100. Title 18 DCMR §2600.1

²**Point System.** Under the point system, a person's license can either be suspended if they accumulate 8 points or be revoked if accumulate 12 points. Points assessed for any offense stay on a person's driving record for 3 years. Four (4) points are assessed for any speeding violation. Title 18 DCMR §§303.1(d) & 303.6

DISTRICT OF COLUMBIA

Other Criminal Actions Related to Speeding:
(continued)

Exceeding Speed Limit by 30 MPH:

(continued)

Fine (\$ Range):

Not more than \$300 Title 18 DCMR §2200.12

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension or Revocation³ D.C. Code §40-302 & Title 18 DCMR §302.3

Length of Term of

Licensing Withdrawal:

I. Suspension-2 to 90 days depending upon the seriousness of the offense. Title 18 DCMR §306.1

II. Revocation-6 months Note: For subsequent offenses, a longer revocation period is possible. However, such period must for a definite period of time. Title 18 DCMR §306.4

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than 3 months Subsequent offense (within 2 years)-Not more than 1 year D.C. Code §40-712(c)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

1st offense-Not more than \$250 Subsequent offense (within 2 years)-Not more than 1,000 D.C. Code §40-712(c)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation D.C. Code §40-302(a) & Title 18 DCMR §301.1(d)

Length of Term of License

Withdrawal Action:

1st offense-6 months 2nd offense-1 year Subsequent offense-2 years D.C. Code §40-302 & Title 18 DCMR §306.5

Mandatory Term of License

Withdrawal Action:

1st offense-6 months 2nd offense-1 year Subsequent offense-2 years D.C. Code §40-302 & Title 18 DCMR §306.5

Other:

I. A person is also assessed 12 points against their driving record. See Footnote No. 2. Title 18 DCMR §303.1(h)

³The licensing agency has discretionary authority to either suspend or revoked a person's license for this offense. Title 18 DCMR §302.3

DISTRICT OF COLUMBIA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Other: (continued)

II. Limited Registration Suspension. The registrations of all vehicles owned by a person, who has been convicted of reckless driving involving a personal injury, must be suspended until the offender gives and maintains proof of financial responsibility. §§40-437 & 40-438

Commercial Motor Vehicle (CMV) Operators⁴:

Grounds for Disqualification:

A person is disqualified (suspended) from operating a CMV if while driving such a vehicle they commit 2 or more "serious traffic violations"⁵ within a 3 year period. D.C. Code §40-1806(a)(4)

Period of Disqualification:

1st violation-1 year 2nd violation-10 years to life 3rd violation-Life
D.C. Code §40-1806(b)

Period of Mandatory Disqualification:

1st violation-1 year 2nd violation-10 years 3rd violation-Life D.C. Code §40-1806(b)

⁴A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. D.C. Code §40-1801(3)

⁵The term "serious traffic violation" is not defined in the D.C. Code. However, under Federal regulations this term includes exceeding the speed limit by 15 or more MPH or reckless driving. 49 CFR 383.5

JURISDICTION:

FLORIDA

General References:

This chapter summarizes Florida State statutes related to speed.
Florida Statutes Annotated and Florida Administrative Code (FAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards than existing. §316.183(1) & (4)

**Statutory Speed Limit:
See Other below.**

70 MPH on limited access highways¹ §316.187(2)(a)
55 MPH in all locations except as noted §316.183(2)
30 MPH² in business and residence districts §§316.183(2) & 316.189(2)(a)

Posted (Maximum) Speed Limit:

After engineering and traffic investigations, the State or local governments (within their jurisdictions) may increase or decrease the maximum speed limit on a highway.³ However, the State cannot establish a speed limit > 70 MPH and local jurisdictions cannot establish a maximum speed limit > 60 MPH. §316.187(2)(e) & (2)(e) and 316.189(1) & (2)(b)

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §316.183(5)
II. The minimum speed limit on Interstate and Defense Highways, with at least 4 lanes, is 40 MPH. §316.183(2)

Posted (Minimum) Speed Limit:

After engineering and traffic investigations, the State or local governments (within their jurisdictions) may establish a minimum speed limit for a highway. §§316.187(2)(d) & 316.189(2)(d)

Other:

I. No school bus shall exceed the posted speed limit or 55 MPH. §316.183(3)
II. No person shall exceed the posted speed limit in a work zone. §316.183(6)
III. No person shall exceed the posted speed limit in a school zone.⁴ §316.1895

¹Other provisions of law establish the maximum speed limit of 65 MPH on any other highway which has 4 lanes that are divided by a median strip and which are located outside of urban areas with populations ≥5,000. §316.187(2)(b)

²After an investigation, local authorities may establish a maximum speed limit of 20 MPH or 25 MPH in residence districts. §316.183

³Note: Florida law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

⁴A school zone speed limit cannot be more than 20 MPH. Such limit may only be in force 30 minutes before, during and after students are arriving or leaving a regularly scheduled school session. §316.1895(4)

FLORIDA

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Noncriminal Infractions (Moving Violations). §316.187(3), 316.189(4), 316.1895(9), 318.13(3) & 318.14(1)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Exceeding the Speed Limit where the offense is not adjudicated-Civil Penalty⁵-**\$25 to \$250** depending upon the extent of the violation⁶ §318.18(3)(b)

II. Other Speed Violations where the offense is not adjudicated-Civil Penalty-**\$60** §318.18(3)(a)

II. Any Speed Violation where the offender elects adjudication⁷-Not more than **\$500**. However, the the fine limit is not more than **\$1,000** in situations where there was unlawful speeding in either a school or construction zone. §318.14(5)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

A person may be required to attend a driver improvement school.⁸ §318.14(5) & (9)

Other:

⁵This sanction is imposed on violators who elect not have a hearing.

⁶I. For exceeding the speed limit from 1 to 9 MPH, the fine is \$25. For exceeding the speed limit from 10 to 14 MPH, the fine is \$100. For exceeding the speed limit from 15 to 19 MPH, the fine is \$125. For exceeding the speed limit from 20 to 29 MPH, the fine is \$150. And, for exceeding the speed limit by 30 MPH, the fine is \$250. §318.18(3)(b) II. For exceeding the speed limit in a school or construction zone, the assessed fine is **double** the amount indicated above. §318.18(3)(c)

⁷Sanction or sanctions which can be imposed if an offender elects to adjudicate the traffic offense. §§316.655(2) & 318.14(5)

⁸I. A person, who commits a noncriminal traffic infraction, may, in lieu of a court appearance, elect to attend a driver improvement course. If such occurs, adjudication is withheld and points cannot be assessed against the person's driving record. In addition, the civil penalty imposed under §318.18(3) must be reduced by 18 percent. §318.14(9) II. If an offender elects to adjudicate the traffic infraction, they still may be ordered to attend such a course. §318.13(5)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action: Type of Licensing Action (Susp/Rev):	Suspension either via the Point System ⁹ or Suspension/Revocation via the courts ¹⁰ §§316.655(2) & 322.27(3)
Term of License Withdrawal (Days, Months, Years, etc.):	30 days to 1 year depending upon the points that have been accumulated §322.27(3)(a), (b) & (c)
Mandatory Minimum Term of Withdrawal:	None ¹¹
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u> Sanctions:	Infraction (Moving Violation) ¹² §316.191, 316.655(1) & 318.13(3)
Criminal Sanction: Imprisonment (Term):	None
Mandatory Minimum Term: Fine (\$ Range):	I. For Non-Adjudication Offenses-Civil Penalty ⁵ - \$60 §318.18(3)(a) See Footnote No. 8. II. For Adjudication Offenses ⁷ -Not more than \$500 §318.14(5)
Mandatory Minimum Fine:	None

⁹**Point System.** I. A person's license is suspended respectively for either (1) not more than 30 days, (2) not more than 3 months or (3) not more than 1 year is they accumulate either (1) 12 points within 12 months, (2) 18 points within 18 months or (3) 24 points within 36 months. §322.27(a), (b) & (c) II. The following points are assessed for speed related moving traffic violations: (1) 3 points for exceeding the speed limit by < 15 MPH; (2) 4 points for exceeding the speed limit by > 15 MPH; (3) 6 points for unlawful that results in an accident; (4) 4 points for reckless driving; (5) 3 points for careless driving; (6) 3 points for racing on the highways; and, (7) 4 points for a non-speed related moving violation that results in an accident. §322.27(3)(d)(1), (3), (5)(a) & (b), (7) & (8)

¹⁰In addition to any action that may be taken by the licensing agency, the court has the authority to either suspend or revoke a driver's license if the court determines that there exists a need to protect persons who use the highways. In determining whether to take such action, the court considers among other things the extent or nature of the violation and whether, as a result of the violation there was either a death, personal injury or property damage. §316.655(2) Note: This provision does not provide for specific license suspension or revocation periods. However, under §322.28(1), the licensing agency can only suspend or revoke a license for 1 year. In addition, the licensing agency may be able to issue driving privileges for employment purposes under §322.271.

¹¹The licensing agency may modify either a suspension or revocation order and allow an offender to operate a motor vehicle for employment purposes. §322.271 and FAC §15A-1.019

¹²No person "shall driver any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record" on a highway or street. §316.191(1)

FLORIDA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Suspension via the Point System or **Suspension/Revocation** via the courts¹⁰ §§316.655(2) & 322.27(3) See Footnote Nos. 8 & 9.

Length of Term of
Licensing Withdrawal:

30 days to 1 year depending upon the points that have been accumulated §322.27(3)(a), (b) & (c)

Mandatory Action--Minimum
Length of License
Withdrawal:

None¹¹

Other:

A person may be required to attend a driver improvement school. §§316.655(3) & 318.14(5) & (9) See Footnote No. 8.

Reckless Driving:
Sanction:
Criminal:
Imprisonment (Term):

Infraction (Moving Violation) §316.192, 316.655(1) & 318.13(3)

Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):

1st offense-Not more than **90 days** Subsequent offense-Not more than **6 months** §316.192(2)(a) & (b)

Mandatory Minimum Fine:

None
1st offense-**\$25 to \$500** Subsequent offense-**\$50 to \$1,000**
§316.192(2)(a) & (b)
None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Suspension via the Point System or **Suspension/Revocation** via the courts¹⁰ §§316.655(2) & 322.27(3) 3rd offense-**Revocation** §322.26(6) See Footnote Nos. 8 & 9.

Length of Term of License
Withdrawal Action:

30 days to 1 year depending upon the points that have been accumulated §322.27(3)(a), (b) & (c) 3rd offense-**1 year** §322.28(1)

Mandatory Term of License
Withdrawal Action:

None¹¹

Other:

I. Subsequent offense-If there is a death as a result of the offense, the offense may be required to serve 120 hours of community service. §316.192(2)(b)
II. 1st or subsequent offense-A fee of **\$5** is imposed for the purpose of funding the Emergency Medical Services Trust Fund. §316.192(3)

Other Criminal Actions Related to Speeding:
(continued)

<u>Careless Driving</u> ¹³ :	Infraction (Moving Violation) §316.1925, 316.655(1) & 318.13(3)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	I. For Non-Adjudication Offenses-Civil Penalty ² - \$60 §318.18(3)(a) See Footnote No. 8. II. For Adjudication Offenses ⁷ -Not more than \$500 §318.14(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via the Point System or Suspension/Revocation via the courts ¹⁰ §§316.655(2) & 322.27(3) See Footnote Nos. 8 & 9.
Length of Term of License Withdrawal Action:	30 days to 1 year depending upon the points that have been accumulated §322.27(3)(a), (b) & (c) <u>3rd offense-1 year</u> §322.28(1)
Mandatory Term of License Withdrawal Action:	None ¹¹
Other:	A person may be required to attend a driver improvement school. §§316.655(3) & 318.14(5) & (9) See Footnote No. 8.

Commercial Motor Vehicle (CMV) Operators¹⁴:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹⁵ within a 3 year period or (2) commit 3 such violations within a 3 year period. §322.61(1) & (2)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §322.61(1) & (2)

¹³A person shall operate a vehicle "in a careful and prudent manner, having regard for the width, grade, curves, corners, traffic, and all other attendant circumstances, so as not to endanger the life, limb, or property of any person." §316.1925(1)

¹⁴A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §322.01(8)

¹⁵A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or careless driving. §322.61(1)(b), (c) & (e)

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Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §322.61(1) & (2)

JURISDICTION:

GEORGIA

General Reference:

This chapter summarizes Georgia Statute statutes related to speed.
Code of Georgia Annotated (Code of 1981)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards than existing. §40-6-180

**Statutory Speed Limit:
See Other below.**

70 MPH¹ on interstate system or on physically divided highways outside of urban areas with a population $\geq 50,000$ §40-6-181(b)(2)
65 MPH¹ on the interstate system inside urban areas with a population $\geq 50,000$ §40-6-181(b)(3)
65 MPH¹ on State divided highways without full access control §40-6-181(b)(4)
55 MPH on other locations §40-6-181(b)(5)
30 MPH in urban or residential district §40-6-181(b)(1)
35 MPH on unpaved county road §40-6-181(b)(1.1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, either the State Commissioner of Public Safety or the Commissioner of Transportation may lower the maximum speed limit on any highway.² §40-6-182
II. Based on engineering and traffic investigations, local governments, within their jurisdictions, may lower the maximum speed limit on any highway. However, such limit shall neither be less than 30 MPH outside an urban or residential district nor less than 25 MPH within such districts. §40-6-183(a)
III. The State or a local government, within its jurisdiction, may establish a maximum speed limit in a construction zone. §40-6-188

Minimum Speed Limit:

I. No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §40-6-184(a)(1)
II. Except when turning left, a person shall not drive in the left lane of a highway, with at least 4 lanes, at less than the maximum speed limit.³ §40-6-184(a)(2)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government, within its jurisdiction, may establish a minimum speed limit on any highway. §40-6-184(b)

¹Provided speed limit signs, appropriately designating this speed limit, have been posted on the highway.

²This includes the establishment of different highway speed limits either (1) at different times of the day, (2) for various weather conditions or (3) for other factors bearing on safe speeds. §40-6-182 Note: The law does not specifically allow State authorities to establish different speed limits for different types of vehicles.

³This only applies if the driver is aware that they are being overtaken in the left lane by vehicles traveling at a greater rate of speed.

GEORGIA

Basis for a Speed Law Violation: (continued)

Other: A school bus shall not be operated at a speed >40 MPH or >55 MPH on interstate/defense highway system while transporting children to and from school activities.⁴ §40-6-160

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Except as Noted, All Speed Law Violations are Misdemeanors. §40-6-1
Other: Speeding in a Construction Zone is a Misdemeanor of a High and Aggravated Nature. §40-6-188(c)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years, Etc.): Speed Law Violations-Not more than 12 months §17-10-3(a)(1)
Speeding in a Construction Zone-Not more than 12 months §40-6-188(c)
Mandatory Minimum Term: None
Fine:
Amount (\$ Range): Speed Law Violations-Not more than \$1,000 §17-10-3(a)(1)
Speeding in a Construction Zone-\$100 to \$2,000 §40-6-188(c)
Mandatory Min. Fine (\$): None
Other Penalties:
Traffic School: A driver may be required to attend a driver improvement course.⁵ §40-5-57(c)(1)(C)
Other:
Licensing Action:
Type of Licensing Action (Susp/Rev): Suspension via the Point System⁶ §40-5-57

⁴There is an exception. A school bus may be operated on other roads at a speed >55 MPH provided the vehicle is only transporting children to and from an event and is not loading or unloading children during the transportation. §40-6-160(b)

⁵If a driver attends a driver improvement course after the issuance of the citation but before they make a court appearance, the court shall reduce the fine by 20 percent and the licensing agency shall assess no points against the violator. This procedure is allowed only once in 5 years. §40-5-57(c)(1)(C)

⁶**Point System.** I. A person's license is subject to suspension if they accumulate 15 or more points within a 24 month period. At the end of the suspension period, the point count is reduced to zero. Upon reaching the requisite point assessment for the first time, the license suspension is for 1 year. Upon reaching the requisite point assessment for the second time within 5 years, the license suspension is for 3 years. Upon reaching the requisite point assessment for the third time within 5 years, the license suspension is for 5 years; 2 years of this suspension period are mandatory. §40-5-57(c)(1)(B) & (d) II. The following points are assessed for speeding and speed related violations: Reckless driving-4 points; exceeding the speed by > 14 MPH but < 19 MPH-2 points; exceeding the speed by > 19 MPH but < 24 MPH-3 points; exceeding the speed by > 24 MPH but < 34 MPH-4 points; exceeding the speed by > 34 MPH-6 points; other moving violations-3 points. **Important.** No points are assessed for driving too fast for conditions. §40-5-57(c)(1)(A)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)
Mandatory Minimum Term of Withdrawal:	2 years upon reaching the requisite point assessment for the third time within 5 years ⁷ §40-5-57(d)(3)
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> ⁸ : Sanctions:	Misdemeanor §40-6-186(b) & (c)
Criminal Sanction: Imprisonment (Term):	Not more than 12 months §17-10-3(a)(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 §17-10-3(a)(1)
Mandatory Minimum Fine:	None
Administrative Licensing Action: Licensing Authorized and Type of Action:	Suspension §§40-5-54(a)(4) & 40-6-186(c) Suspension via the Point System ⁶ §40-5-57
Length of Term of Licensing Withdrawal:	12 months §40-6-186(c) Via the Point System 1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)

⁷I. **Hardship License.** Except as indicted, a person may be issued a limited license for the purpose of either (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications or (3) attending either educational institutions, alcohol/drug abuse support groups or a court ordered driver improvement course. §40-5-64 II. **Early License Reinstatement.** For a license suspension based upon reaching the requisite point assessment for the first time, the license may be reinstated immediately when the person complete a driver improvement course. For a license suspension based upon reaching the requisite point assessment for the second time within 5 years, the license may be immediately reinstated upon the completion of an "advanced" driver improvement course. §40-5-84(c) & (d)

⁸Racing on the highways includes "any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making a speed record...." §40-6-186(b)

GEORGIA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Mandatory Action--Minimum

Length of License

Withdrawal:

None⁹ If via the Point System-2 years upon reaching the requisite point assessment for the third time within 5 years⁷ §40-5-57(d)(3)

Other:

A driver may be required to attend a driver improvement course.⁵ §40-5-57(c)(1)(C)

Reckless Driving:

Misdemeanor §40-6-390(a) & (b)

Sanction:

Criminal:

Imprisonment (Term):

Not more than 12 months §40-6-390(b)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than \$1,000 §40-6-390(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System⁶ §40-5-57

Length of Term of License

Withdrawal Action:

1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)

Mandatory Term of License

Withdrawal Action:

2 years upon reaching the requisite point assessment for the third time within 5 years⁷ §40-5-57(d)(3)

Other:

A driver may be required to attend a driver improvement course.⁴ §40-5-57(c)(1)(C)

Driving in Circular or Zigzag Course

(Laying Drags)¹⁰:

Misdemeanor §40-6-251(a) & (d)

Sanction:

Criminal:

Imprisonment (Term):

Not more than 12 months §17-10-3(a)(1)

⁹I. **Hardship License.** A person may be issued a limited license for the purpose of either (1) going to and from a place of employment or performing employment duties, (2) receiving medical care or obtaining medications or (3) attending either educational institutions, alcohol/drug abuse support groups or a court ordered driver improvement course. §40-5-64 II. **Early License Reinstatement.** For a license suspension based upon a first offense, the license may be reinstated after 120 days upon the completing of a driver improvement course. And, for a license suspension based upon a second offense, the license may be reinstated after 120 days upon the completion of an "advanced" driver improvement course. §40-5-84(a) & (b)

¹⁰This offense is defined as operating a "vehicle upon the streets, highways ... in such a manner as to create a danger to persons or property by intentionally and unnecessarily causing the vehicle to move in a zigzag or circular course or to gyrate or spin around,...." §40-6-251(a)

Other Criminal Actions Related to Speeding:
(continued)

Driving in Circular or Zigzag Course

(Laying Drags): (continued)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** §17-10-3(a)(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System⁶ §40-5-57

Length of Term of License

Withdrawal Action:

1 to 5 years depending on the number of points that have been accumulated. §40-5-57(d)

Mandatory Term of License

Withdrawal Action:

2 years upon reaching the requisite point assessment for the third time within 5 years⁷ §40-5-57(d)(3)

Other:

A driver may be required to attend a driver improvement course.⁵ §40-5-57(c)(1)(C)

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. §40-5-151(g)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §40-5-151(g)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §40-5-151(g)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §40-5-142(7)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §40-5-142(22)

GEORGIA

SPEED LAWS

JURISDICTION:

HAWAII

General Reference:

This chapter summarizes Hawaii State statutes related to speed.
Hawaii Revised Statutes

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent and having regard to the actual and potential hazards and conditions then existing. §§291C-101 & 291C-198(a)

**Statutory Speed Limit:
See Other below.**

35 MPH (58 kilometers per hour) for Mopeds §291C-198(b)

Posted (Maximum) Speed Limit:

- I. The Director of Transportation may place signs establishing the maximum speed limit on any highway under the director's jurisdiction.¹ §291C-102(b)
- II. Local governments may establish maximum speed limits on streets and highways under their jurisdiction. §291C-163(a)(5), (10), (15) & (23)

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

- I. The Director of Transportation may place signs establishing the minimum speed limit on any highway. §291C-102(b)
- II. Local governments may establish minimum speed limits on streets and highways under their jurisdiction. §291C-163(a)(5), (10), (15) & (23)

Other:

- I. A vehicle or combination of vehicles designed to operate at speed ≤25 MPH may be required to display a sign indicating that it is a slow moving vehicle. §291C-130
- II. Bicycles and mopeds not traveling at the normal rate of speed "shall ride as near to the right side of the roadway as practicable...." §§291C-145(a) & 291C-196(a)
- III. No person shall drive a moped >35 MPH (>58 kilometers per hour). §291C-198(b)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions/Violations. §§291C-102(a), 291C-161(a), 291C-192(a), 291D-2 & 701-107(1)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

¹Note: Hawaii law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

HAWAII

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:	
Amount (\$ Range):	<u>1st offense</u> -Not more than \$200 <u>2nd offense</u> (within 1 year)-Not more than \$300 <u>3rd or subsequent offense</u> (within 1 year)-Not more than \$500 §§291C-161(b) and 291D-9(a) & (b) ²
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	A person may be required to attend a driver training course. §291C-161(e)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	I. Suspension via the Point System ³ §286-128 II. Court Ordered Suspension or Revocation via §286-125 III. Court Ordered Suspension or Revocation via §291C-170
Term of License Withdrawal (Days, Months, Years, etc.):	I. Via the Point System-1 to 6 months §286-128(b) II. Under §286-126, the court is authorized to either suspend a license for not more than 5 years or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for 1 year . III. Under §291C-170, the court is authorized to either suspend or revoke a license for 1 year .
Mandatory Minimum Term of Withdrawal:	None Licensing action is discretionary. §§286-125, 286-128(b) & 291C-170
Miscellaneous Sanctions Not Included Elsewhere:	

²The district courts must establish schedules of monetary assessments for traffic infractions. These assessments cannot exceed the maximum fine prescribed by law. §291D-9(b)

³**Point System.** I. The district court is authorized to suspend an offender's license based upon a showing that the offender has a disrespect for the traffic laws. A person, who frequently commits traffic violations, demonstrates such disrespect and such is indicted if they accumulate 12 or more points. §286-128(b) II. Full point value is assessed for violations occurring within the previous 12 months of the present violation. Half point value is assessed for violations occurring more than 12 months but less than 24 months from the present violation. No points are assessed for violations occurring more than 24 months from the present violation. §286-128(g) III. The following points are assigned to reckless driving offenses and speeding violations: Reckless driving-3 to 6 points; excessive speeding (≥ 15 MPH over the established speed limit)-3 to 6 points; and, speeding (≥ 10 MPH over the established speed limit)-1 to 4 points. §286-128(a)(2), (5) & (7) Note: Points are not assessed for the offense of racing on the highways.

Other Criminal Actions Related to Speeding:

Racing on Highway:

(1) Petty Misdemeanor or (2) If only Exhibition of Speed or Acceleration are Involved, Infraction (A Non Criminal Offense)⁴ §§291C-103, 291D-2 and 701-107(1) & (4)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Petty Misdemeanor-Not more than **6 months** §291C-103(e)

Infraction-None

Mandatory Minimum Term:

None

Fine (\$ Range):

Petty Misdemeanor-Not more than **\$500** §291C-103(e)

Infraction-Not more than **\$500** §291C-103(e)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

I. **Court Ordered Suspension or Revocation** via §286-125

II. **Court Ordered Suspension or Revocation** via §291C-170

Length of Term of

Licensing Withdrawal:

I. Under §286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.

II. Under §291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

Mandatory Action--Minimum

Length of License

Withdrawal:

None Licensing action is discretionary. §§286-125 & 291C-170

Other:

I. Infraction-Sentenced to Perform **Community Service** §291C-103(e)

II. A person may be required to attend a driver training course. §291C-161(e)

Reckless Driving:

Misdemeanor §§291-2 & 701-107(3)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **1 year** §291-2

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** §291-2

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

I. **Suspension** via the Point System³ §286-128

II. **Court Ordered Suspension or Revocation** via §286-125

III. **Court Ordered Suspension or Revocation** via §291C-170

Length of Term of License

Withdrawal Action:

I. Via the Point System-**1 to 6 months** §286-128(b)

⁴A person is prohibited from driving a vehicle on a highway in "any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making speed record...." §291C-103(a)

HAWAII

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Length of Term of License
Withdrawal Action: (continued)

II. Under §286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.
III. Under §291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

Mandatory Term of License
Withdrawal Action:

None Licensing action is discretionary. §§286-125, 286-128(b) & 291C-170

Other:

A person may be required to attend a driver training course. §291C-161(e)

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit **2 "serious traffic violations"**⁶ within a 3 year period or (2) commit **3** such violations within a 3 year period. §286-240(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** **3 serious violations** (within 3 years)-Not less than **120 days** §286-240(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** **3 serious violations** (within 3 years)-**120 days** §286-240(e)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §286-2

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §286-231

JURISDICTION:

IDAHO

General References:

This chapter summarizes Idaho State statutes relate to speed. Idaho Code (General Laws of Idaho Annotated), Idaho Infraction (Court) Rules and Idaho Administrative Code (IDAPA)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §49-654(1)

**Statutory Speed Limit:
See Other below.**

75 MPH on interstate highways §49-654(2)(c)
65 MPH on other highways §49-654(2)(d)
35 MPH in either an urban district or a residential neighborhood §49-654(2)(a) & (b)

Posted (Maximum) Speed Limit:

I. Base on engineering and traffic investigations, the State may increase or decrease the maximum speed limit.¹ However, no maximum posted speed limit can exceed either 75 MPH for interstate highways or 65 MPH for other State highways. §49-201(4)
II. For highways within its jurisdiction, a local government, based on engineering and traffic investigations, may either (1) decrease the speed limit in or outside of an urban area or (2) increase the speed limits to not > 65 MPH within a nonresidential area of an urban district. §§49-207(2) and 49-208(1)(e), (i) & (m)

Minimum Speed Limit:

No person shall drive a motor vehicle at such slow speed as to impede the normal and reasonable movement of traffic except when reduced speed is necessary for safe operation or in compliance with the law. §49-655

Posted (Minimum) Speed Limit:

Based upon engineering and traffic investigations, the State may establish a minimum posted speed limit on a highway. §49-202(22)

Other:

I. A person shall not drive a vehicle over a bridge or elevated structure in violation of the posted safe maximum speed limit for such structures.² §49-656
II. For vehicles without pneumatic tires and weighing either ≤ 10,000 lbs. or > 10,000 lbs., the respective maximum speed limits are either 20 MPH or 12 MPH. §49-1003

Adjudication of Speed Law Violations:

**Civil/Criminal Adjudication of Violation:
Other:**

All Speed Law Violations are Infractions.³ §§49-110(4) & 49-236(2)

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §49-201(4)

²Based upon investigations, the State determines the safe maximum speed limits for these structures. §49-202(21)

³An infraction is a not a crime but a civil public offense. §18-111

IDAHO

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

**Mandatory Minimum Term
of Imprisonment:**

Fine:

Amount (\$ Range):

Not more than \$100⁴ §18-113A

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point system⁵ §49-326(2) & (3)

Term of License Withdrawal

(Days, Months, Years, etc.):

Suspension for more than 1 year⁵ §49-326(5)

Mandatory Minimum Term of

Withdrawal:

None Restricted driving privileges may be granted. §49-326(4)

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor⁶ §§18-111, 49-236(1) & 49-1424(1)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than 6 months §§18-113(1) & 49-236(4)

Mandatory Minimum Term

of Imprisonment:

None

⁴**Fixed Penalty.** The following fixed penalties, which include court costs, are assessed for speed related infractions. For exceeding the speed limit by ≥ 1 MPH but < 20 MPH, a fixed penalty of \$47. For exceeding the speed limit by ≥ 20 MPH a fixed penalty of \$102. Rule 9(5)(a) & (b), Idaho Infraction Rules

⁵**Point System.** I. An offender's license is suspended for 30 days, 90 days or 6 months, if they respectively accumulate 12 points within 12 months, 18 points within 24 months or 24 points within 36 months. Note: Three (3) points are deducted from a driver's record if they attend traffic school prior to a suspension; this can only occur once in a 3 year period. II. The following points are assessed for speeding and speed related offenses: One (1) MPH to 15 MPH over the speed limit-3 points; 16 or more MPH over the speed limit-4 points; a violation of the minimum speed rule-3 points; a violation of a posted speed limit on an elevated structure-3 to 4 points; and, racing on the highways-4 points. §§49-210 & 49-326 and IDAPA 39.02.71

⁶"No person shall drive any vehicle in any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration or for the purpose of making a speed record...." §49-1424(1)

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Fine (\$ Range):

Not more than **\$300** §§18-113(1) & 49-236(4)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Point System² §49-326(2)

Length of Term of

Licensing Withdrawal:

Suspension for more than **1 year**⁵ §49-326(5)

Mandatory Action--Minimum

Length of License

Withdrawal:

None Restricted driving privileges may be granted. §49-326(4)

Other:

Reckless Driving:

Sanction:

Misdemeanor §§18-111, 49-236(1) & 49-1401(1)

Criminal:

Imprisonment (Term):

1st offense-5 to 90 days Subsequent offense-10 days to 6 months §49-1401(2)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

1st offense-\$25 to \$300 Subsequent offense-\$50 to \$300 §49-1401(2)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension §§49-326(1)(f) and 49-1401(2) & (3) For 3 reckless driving offense convictions within 12 months-**Revocation** §49-325(1)(d)

Length of Term of License

Withdrawal Action:

1st offense-30 day suspension 2nd offense (within 2 years)-90 day suspension 3rd offense (within 3 years)-1 year suspension §49-326(1)(f) 3 offenses within 12 months-1 year revocation §§49-325(1)(d) & 49-326(5)

Mandatory Term of License

Withdrawal Action:

For suspensions-**None** Restricted driving privileges may be granted. §49-326(4) However, for 3 offenses within 12 months, the **1 year revocation** appears to be mandatory. §§49-325(1)(d) & 49-326(5)

Other:

IDAHO

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §49-335(6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §49-335(6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §49-335(6)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of > 26,000 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §49-123(2)(c)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §49-120(11) with reference to 49 CFR part 383

JURISDICTION:

ILLINOIS

General References:

This chapter summarizes Illinois State statutes related to speed.
West's Smith-Hurd Illinois Compiled Statutes Annotated and Illinois
Administrative Code

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle upon any highway at a speed which is greater than is reasonable and proper with regard to traffic conditions and the use of the highway, or endangers the safety of any person or property. §625 ILCS 5/11-601(a)

**Statutory Speed Limit:
See Other below.**

65 MPH¹ (1) on Illinois toll highways and (2) on highways that are divided and have at least 4 lanes §625 ILCS 5/11-601(b) & (d)
55 MPH on all other highways, roads or streets outside an urban district §625 ILCS 5/11-601(b) & (d)
55 MPH for Second Division Vehicles weighing >8,001 lbs. §625 ILCS 5/11-601(e) A Second Division Vehicle is defined in Footnote No. 1.
30 MPH in an urban district §625 ILCS 5/11-601(b) & (c)(1)
15 MPH in an urban district alley §625 ILCS 5/11-601(b) & (c)(2)

Posted (Maximum) Speed Limit:

I. The State Toll Highway Authority, based on engineering and traffic investigations, may establish a maximum speed on toll highways under its authority that are less than 65 MPH. §625 ILCS 5/11-603
II. With certain limitations and based on engineering and traffic investigations, the State may increase or decrease the maximum speed limit.² §625 ILCS 5/11-602
III. Based on engineering and traffic investigations, a local government may either increase or decrease the maximum speed on highway, streets or roads within its jurisdiction. However, the following limitations apply. (1) The speed limit in an urban district cannot be less than 20 MPH. (2) A speed limit cannot be more than 55 MPH. (3) The speed limit in outside of an urban district cannot be less than 35 MPH. (4) And, except as provided in (1), the speed limit in a residential district cannot be less than 25 MPH. §65 ILCS 5/11-40-1 and §§625 ILCS 5/11-208 & 5/11-604

Minimum Speed Limit:

No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §625 ILCS 5/11-606(a)

¹The 65 MPH speed limit applies either (1) to vehicles which are designed to carry not more than 10 persons (First Division vehicles) or (2) to Second Division vehicles which have a gross weight of <8,000 lbs. A Second Division Vehicle is defined as one (1) designed to carry 10 or more persons, (2) use for living quarters, (3) designed to carry or pull property, freight or cargo and (4) a registered school bus regardless of the number of students it is designed to carry. §§625 ILCS 5/1-217 & 5/11-601(d)

²The following limitations apply. (1) The State cannot establish a speed limit greater than 65 MPH on any highway. (2) The maximum speed limit is 55 MPH for Second Division vehicles weighing >8,001 lbs. and on highways that abut certain property where there is "a limited right or easement, of access, crossing, light, air, or view." §625 ILCS 5/11-602 Note: Except as note, Illinois law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

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Basis for a Speed Law Violation:
(continued)

- Posted (Minimum) Speed Limit: Base on engineering and traffic investigations, the State may establish a minimum speed limit on any part of a highway or street. §625 ILCS 5/1-606(b)
- Other:
- I. The maximum speed limit is 55 MPH for Second Division vehicles¹ weighing ≥8,000 lbs. on any highway outside an urban district. §625 ILCS 5/11-601(b) & (e)
 - II. The maximum speed limit for a bus is (1) 65 MPH on a 4 lane divided highways under the State Toll Highway Authority (2) 60 MPH on other highways under the State Toll Highway Authority and (3) 55 MPH on all other highways, streets or roads. §625 ILCS 5/11-601(b) & (f)
 - III. The maximum speed limit is 55 MPH outside of an urban area for house cars, campers, private living coach, recreational vehicles and any vehicle that is towing another vehicle. §625 ILCS 5/11-601(b) & (g)
 - IV. The maximum speed limit is 20 MPH "while passing a school zone or while traveling upon any public thoroughfare where children pass going to and from school." §625 ILCS 5/11-605(a)
 - V. Special posted speed limits may be established for construction or maintenance zones. §625 ILCS 5/11-605(b)
 - VI. Based on safety investigations, the State may establish maximum speed limits for bridges or other elevated structures. §625 ILCS 5/11-608
 - VII. No person shall operate a vehicle at speed greater than the "maximum attainable operating speed" of such vehicle as determined by its manufacture. §625 ILCS 5/11-611

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: 1st or 2nd speed law offenses are Petty Offenses. A 3rd speed law offense (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions: See Miscellaneous Sanctions for penalties related to exceeding the speed limit in school and construction zones.
- Imprisonment:
Term (Day, Month, Years,
Etc.): 1st or 2nd offenses-None 3rd offense (within 1 year)-Not more than 30 days §730 ILCS 5/5-8-3(a)(3)
- Mandatory Minimum Term: None
- Fine:
Amount (\$ Range): 1st, 2nd or 3rd offenses-Not more than \$500 §730 ILCS 5/5-9-1(a)(3) & (4)
- Mandatory Min. Fine (\$): None

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other Penalties:	
Traffic School:	
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation based either (1) on 3 traffic offenses within a 12 month period or (2) on repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) & (3)
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension-Not more than 1 year Revocation-1 year §625 ILCS 5/6-208(a) & (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation. ³
Mandatory Minimum Term of Withdrawal:	None Licensing action by the State is discretionary. §625 ILCS 5/6-206
Miscellaneous Sanctions Not Included Elsewhere:	Exceeding the Posted Speed Limit in School or Construction Zones is a Petty Offense with a fine of \$150 to \$500 . The minimum fine of \$150 appears to be mandatory. §§625 ILCS 5/11-605(e) & 730 ILCS 5/5-9-1(a)(4)

³**Point System.** A point system has been established to determine suspension length or whether to impose revocation.

I. The following points are assigned for speeding or speed related offenses: Reckless driving-55 points; squealing or screeching of tires-10 points; speeding too fast for conditions-10 points; 1 to 10 MPH above the speed limit-5 points; 11 to 14 MPH above the speed limit-15 points; 15 to 25 MPH above the speed limit-20 points; over 25 MPH above the speed limit-50 points; exceeding the maximum speed limit in a school zone-20 points; driving below the minimum speed limit-5 points; driving below the minimum speed limit on an Illinois Tollway-20 points; and, exceeding the maximum speed limit on a bridge or elevated structure-10 points. 92 Illinois Administrative Code §1040.20(c)

II. If a person's license is suspended or revoked via §625 ILCS 5/6-206(a)(2) as a result of 3 convictions within 12 months, the following point schedule is used to determine licensing action. (1) If there has been no prior suspension or revocations within 7 years, the following licensing action is taken: 0 through 14 points-no action; 15 through 44 points-2 month suspension; 45 through 74 points-3 month suspension; 75 through 89 points-6 month suspension; 90 through 99 points-9 month suspension; 100 through 109 points-12 month suspension; and, 110 or more points-revocation (1 year). And, (2) if there has been 1 or more prior suspension or revocations within 7 years, the following licensing action is taken: 0 through 14 points-no action; 15 through 44 points-4 month suspension; 45 through 74 points-6 month suspension; 75 through 109 points-12 month suspension; and, 110 or more points-revocation (1 year). 92 Illinois Administrative Code §1040.30(b)

III. If a person's license is suspended or revoked via §625 ILCS 5/6-206(a)(3) as a result of repeated traffic violations which indicate a disrespect for the traffic laws, the following point schedule is used to determine licensing action. (1) A person's license is revoked (1 year) if the licensing agency receives notice after the state of the 12 month suspension in II above that the person has accumulated 90 additional points above that needed to determine the suspension and these additional points were accumulated during the same period of time as those used to determine the suspension. (2) If there has been 1 or more prior suspension or revocations within 7 years under §625 ILCS 5/6-206(a)(3), the following licensing action is taken: 0 through 14 points-no action; 15 or more points-revocation (1 year) And, (3) if there has been 2 or more prior suspension or revocations within 7 years not related to §625 ILCS 5/6-206(a)(3), the following licensing action is taken: 0 through 14 points-no action; 15 through 109 points-12 month suspension; 110 or more points-revocation (1 year) 92 Illinois Administrative Code §1040.40(c)

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Other Criminal Actions Related to Speeding:

Drag Racing on the Highway:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Mandatory Minimum Fine:

Class C Misdemeanor §625 ILCS 5/11-504

Not more than 30 days §730 ILCS 5/5-8-3(a)(3)

None

Not more than \$500 §730 ILCS 5/5-9-1(a)(3)

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Revocation §625 ILCS 5/6-205(a)(8)

1 year §625 ILCS 5/6-208(b)(1)

None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)

Other:

There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Class A Misdemeanor §625 ILCS 5/11-503(a) & (b)

Not more than 1 year §730 ILCS 5/5-8-3(a)(1)

None

Not more than \$1,000 §730 ILCS 5/5-9-1(a)(2)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Suspension or Revocation via a Point System⁵ Revocation upon 3 convictions within 12 months §625 ILCS 5/6-205(a)(6)

1 year §625 ILCS 5/6-208(b)(1)

None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)

Other:

There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Other Criminal Actions Related to Speeding:
(continued)

<u>Aggravated Reckless Driving</u> ⁴ :	Class 4 Felony §625 ILCS 5/11-503(a) & (c)
Sanction:	
Criminal:	
Imprisonment (Term):	1 to 3 years §730 ILCS 5/5-8-1(a)(7)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$10,000 §730 ILCS 5/5-9-1(a)(1)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation upon 3 convictions within 12 months §625 ILCS 5/6-205(a)(6) Length of Term of License Not more than 1 year §730 ILCS 5/5-8-3(a)(1)
Withdrawal Action:	
Mandatory Term of License	
Withdrawal Action:	None A hardship license may be issued for employment purposes. §625 ILCS 5/6-205(c)
Other:	There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a
<u>Squealing or Screeching of Tires:</u>	<u>1st or 2nd offenses</u> are Petty Offenses. A <u>3rd offense</u> (within 1 year) is a Class C misdemeanor. §625 ILCS 5/16-104
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st or 2nd offenses</u> -None <u>3rd offense</u> (within 1 year)-Not more than 30 days §730 ILCS 5/5-8-3(a)(3)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st, 2nd or 3rd offenses</u> -Not more than \$500 §730 ILCS 5/5-9-1(a)(3) & (4)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation based either (1) on 3 traffic offenses within a 12 month period or (2) on repeated traffic law convictions which indicate a disrespect of the traffic laws. §625 ILCS 5/6-206(a)(2) & (3)
Length of Term of License	
Withdrawal Action:	Suspension-Not more than 1 year Revocation-1 year §625 ILCS 5/6-208(a) & (b)(1) A point system is used by the licensing agency to determine the length of any suspension or whether to impose a revocation. ³

⁴Aggravated reckless driving is reckless driving that results in either "great bodily harm or permanent disability or disfigurement to another." §625 ILCS 5/11-503(c)

ILLINOIS

Other Criminal Actions Related to Speeding:
(continued)

Squealing or Screeching of Tires: (continued)

Mandatory Term of License

Withdrawal Action:

None Licensing action by the State is discretionary. §625 ILCS 5/6-206

Other:

There is a special fine of \$4 for each \$40 of fine that is imposed. §625 ILCS 5/16-104a

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §625 ILCS 5/6-514(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **2 months** 3 serious violations (within 3 years)-Not less than **4 months** §625 ILCS 5/6-514(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**2 months** 3 serious violations (within 3 years)-**4 months** §625 ILCS 5/6-514(e)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §625 ILCS 5/6-500(6)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §625 ILCS 5/6-500(26)

JURISDICTION:

INDIANA

General References:

This chapter summarizes Indiana State statutes related to speed. Burn's Indiana Statutes Annotated and Indiana Administrative Code (IAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person may not drive a vehicle at a speed greater than is reasonable and prudent under the conditions, having regard to the actual and potential hazards than existing. This includes special hazards such as going around a curve, approaching a hill, traveling upon a narrow or winding roadway. §§9-21-5-1 & 9-21-5-4

**Statutory Speed Limit:
See Other below.**

Note: The law is not clear but the following may be *prima facie* speed limits. §9-21-1-3(a)(11)
65 MPH, except for certain vehicles noted under "Other" below, on an interstate or defense highway located outside an urban area with a population ≥ 50,000 §9-21-5-2(3)
55 MPH on other highways §9-21-5-2(2)
30 MPH in an urban district §9-21-5-2(1)
15 MPH in an alley §9-21-5-2(5)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or lower the above maximum speed limits on a part of a highway.¹ §§9-21-5-3 & 9-21-5-12(a)
II. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed on any part of a highway or establish the maximum safe speed on the streets within its jurisdiction.² §§9-21-1-3(a)(5) & (11), 9-21-5-3 and 9-21-5-6(a) & (b)

Minimum Speed Limit:

A person shall not drive a motor vehicle at a slow speed that impedes or blocks the normal and reasonable movement of traffic. §9-21-5-7

Posted (Minimum) Speed Limit:

Base on engineering and traffic investigations, the State Department of Transportation or a local government, for highways with its jurisdiction, may establish a minimum speed on any part of a highway. §9-21-5-8

Other:

I. A vehicle with a gross weight ≥ 26,001 lbs. shall not be driven at speed greater than 60 MPH. §9-21-5-2(4)

¹The department may also establish different maximum speed limits either (1) for different times of the day, (2) for various types vehicles, (3) for various weather conditions or (4) for other factors related to speed. §9-21-5-12(b)

²However, such government cannot (1) decrease a maximum speed limit within an urban district to less than 20 MPH, (2) increase the maximum speed limit within an urban district to more than 55 MPH during the day or 50 MPH at night, (3) decrease the maximum speed limit outside an urban district to less than 30 MPH, (4) decrease the maximum speed limit in an alley to less than 5 MPH and (5) increase the maximum the speed limit in an alley to more than 30 MPH. §9-21-5-6(a) However, local government may establish a speed limit on a street located within a park or playground may be established at not less than 15 MPH. §9-21-5-6(e) In addition, a local government may also establish a speed limit of not less than 20 MPH on a State highway which is located in the immediate vicinity of a school. Such a limit is only in effect when children are present. §9-21-5-6(d)

INDIANA

Basis for a Speed Law Violation: (continued)

Other: (continued)

II. An "oversized vehicle"³ shall not be driven at a speed greater than 45 MPH. §9-21-5-5

III. Based on engineering and traffic investigations, the State Department of Transportation may establish a safe maximum speed on any bridge or elevated structure. §9-21-5-10

IV. The State Department of Transportation or a local government may establish a temporary safe maximum speed limit at a worksite. §9-21-5-11

V. A vehicle which is not ordinary operated at speed > 25 MPH cannot be operated above this speed. Such vehicles include pulled, towed, self-propelled or animal-drawn vehicles. §9-21-9-1

VI. A motorized bicycle may not be operated at a speed greater than 25 MPH. §9-21-11-12(4)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Class C Infractions. §§9-21-5-13, 9-21-9-7 & 9-21-11-12

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$500 §34-4-32-4(c)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Note: If a person attends a "defensive driving course," their point accumulation total is reduced by 4 points. §140 IAC §1-4.5-7

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension⁴ §9-30-4-9(a)(4)

³An "oversized vehicle" is one which is either has (1) a width > 8 feet, 6 inches, (2) a height > 6 feet, 6 inches, or (3) a length > 80 feet. §9-21-5-5

⁴Point System. The point system is used by the licensing agency as a means aiding it in identifying persons who have committed traffic law violations and determining whether such person's license should be suspended for such offenses. The system does not establish a threshold point accumulation level that would automatically result in either license suspension or revocation. I. A person is placed on probation if they accumulate 12 points within 24 months (10 points within 24 months if under 18 years old) or 8 points within 1 year. II. A person is required to appear for an administrative hearing if they either (1) have accumulated 8 or more points prior to the start of the probationary period but where such points were not used to determine probationary status or (2) have

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.): Not more than 1 year §9-30-4-9(g)
Mandatory Minimum Term of
Withdrawal: None A restricted license for employment purposes may be issued. §9-24-15-2

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Speed Contests on Highways or Streets: Class B Misdemeanor §§9-21-6-1 & 9-21-6-3
Sanctions:
Criminal Sanction:
Imprisonment (Term): Not more than 180 days §35-50-3-3
Mandatory Minimum Term: None
Fine (\$ Range): Not more than \$1,000 §35-50-3-3
Mandatory Minimum Fine: None

Administrative Licensing Action:
Licensing Authorized and
Type of Action: Suspension⁴ §9-30-4-9(a)(4)
Length of Term of
Licensing Withdrawal: Not more than 1 year §9-30-4-9(g)
Mandatory Action--Minimum
Length of License
Withdrawal: None A restricted license for employment purposes may be issued. §9-24-15-2

Other:

Reckless Driving: Class B Misdemeanor⁵ §§9-21-8-50 & 9-21-8-52
Sanction:
Criminal:
Imprisonment (Term): Not more than 180 days §35-50-3-3

accumulated 17 points. III. The following points have been assigned to speeding or speed related violations: 1 to 15 MPH over the speed limit-2 points; 16 to 25 MPH over the speed limit-4 points; over 25 MPH over the speed limit-6 points; minimum speed law violation-2 points; unsafe speed on bridge or elevated structure-4 points; speed contest-8 points; and, reckless driving-8 points. §9-14-2-2 and 140 IAC §§1-4.5-2, 1-4.5-4, 1-4.5-6, 1-4.5-7 & 1-4.5-10

⁵In this State, reckless driving is defined as follows. I. Operating a vehicle at either a such high or low rate of speed such at to either endanger the safety or property of others or (2) blocks the proper flow of traffic. §9-21-8-52(a)(1) II. Passing a vehicle on a curve where vision is obstructed for a distance of < 500 feet. §9-21-8-52(a)(2) III. Driving a vehicle in an out of a line of traffic except as otherwise permitted. §9-21-8-52(a)(3) IV. Speeding up or refusing to give half of the roadway to driver desiring to pass. overtake. §9-21-8-52(a)(4) V. Passing a school but when the arm signal device is in operation. §9-21-8-52(a)(5) VI. Operating a tractor-trailer so as to either endanger the safety or property of others or block the flow of traffic. §9-21-8-50

INDIANA

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Mandatory Minimum Term
None
Not more than **\$1,000** §35-50-3-3
None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:

Suspension⁴ §9-30-4-9(a)(4)

Not more than **1 year** If the offense resulted in property damage, an offender's license is subject to suspension from 30 days to 1 year. §§9-21-8-52(b) & 9-30-4-9(g)

Mandatory Term of License
Withdrawal Action:

Limited A restricted license for employment purposes may be issued. §9-24-15-2 However, there appears to be a 30 day mandatory suspension if the offense resulted in property damage. §9-21-8-52(b) & 140 IAC §1-4.5-10(d)

Other:

Criminal Recklessness:
Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Class A Misdemeanor⁶ §35-42-2-2(b)

Not more than **1 year** §35-50-3-2

None
Not more than **\$5,000** §35-50-3-2
None

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

Suspension §9-30-13-1

60 days to 2 years §9-30-13-1

A **60 day** suspension appears to be mandatory. §9-30-13-1 & 140 IAC §1-4.5-10(d)

Other:

⁶A person commits criminal recklessness if they operate a motor vehicle in such a manner as to create a substantial risk of bodily injury. §35-42-2-2(b)

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is subject to CDL disqualification if, while operating a CMV, they (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 or more violations within a 3 year period. §9-24-6-7

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §9-24-6-7

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 or more serious violations (within 3 years)-**120 days** §9-24-6-7

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §9-13-2-31

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §9-24-6-6

INDIANA

SPEED LAWS

JURISDICTION:

IOWA

General References:

This chapter summarizes Iowa State statutes related to speed.
Iowa Code Annotated and Iowa Administrative Code (IAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a motor vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and of any other conditions than existing, and no person shall drive any vehicle upon a highway at a speed greater than will permit the person to bring it to a stop within the assured clear distance ahead. §§321.285 & 321.288

**Statutory Speed Limit:
See Other below.**

65 MPH on controlled-access, multilaned highways including interstate highways §321.285
55 MPH on other highways or on surfaced secondary roads¹ §321.285
45 MPH in suburban districts §321.285
25 MPH in a residence or school district §321.285
20 MPH in a business district §321.285

Posted (Maximum) Speed Limit:

I. The State may also establish a speed limit of 65 MPH on certain non-limited access divided multilaned highways. §321.285
II. Based on engineering and traffic investigations, the State on the primary road system or a city government on streets within its jurisdiction (except primary road extensions) may increase or decrease the above maximum speed limits.² §321.290
III. The State or a city may lower the 65 MPH speed limit upon highways located within the corporate limits of a city. §321.286(6)
IV. Local authorities have the authority to regulate the speed in public parks and alleys. §321.236(5) & (11)

Minimum Speed Limit:

I. A person shall not drive a motor vehicle at such a slow speed to impede or block the normal and reasonable movement of traffic. §321.294 Also, a vehicle, which cannot attain and maintain a speed of 40 MPH, cannot be driven on the interstate system. §321.285

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit on controlled-access, multilaned highways including interstate highways. §321.285

Other:

I. Based on a safety investigation, the State may establish a safe maximum speed limit for any bridge or elevated structure. §321.295
II. A vehicle cannot be operated on a highway unless it can proceed up a 3 percent grade with speed at least 20 MPH. §321.382

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Speed Law Violations are Simple Misdemeanors. §321.482

¹If the secondary road is not surfaced with either concrete or asphalt, the maximum speed limit is 55 MPH between sunrise and sunset and 50 MPH between sunset and sunrise. §321.285

²Note: Iowa law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

IOWA

Adjudication of Speed Law Violations:
(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **30 days** §903.1(1)(a)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

\$50 to \$100³ §903.1(1)(a)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Driver Improvement Program⁴ IAC 761-615.43(1)(a)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension⁵ §321.210(1)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year⁶** §321.212(1)(a)

Mandatory Minimum Term of
Withdrawal:

None A restricted license is available for employment, educational or medical purposes. §321.215(1)

³**Scheduled Violations.** Most speed law violations are considered "scheduled violations" for which the following fines are provided. I. Except as noted in II, the fine schedule for speeding offenses is as follows: (1) ≤ 5 MPH over the speed limit-\$10; (2) > 5 MPH but ≤ 10 MPH over the speed limit-\$20; (3) > 10 MPH but ≤ 15 MPH over the speed limit-\$30; (4) > 15 MPH but ≤ 20 MPH over the speed limit-\$40; (5) > 20 MPH over the speed limit-\$40 plus \$2 for every MPH over the 20 MPH excessive speed. §805.8(g)(1) & (3) II. In speed zones with a speed limit > 55 MPH, the fine schedule for speeding violations is as follows: (1) ≤ 5 MPH over the speed limit-\$10; (2) > 5 MPH but ≤ 10 MPH over the speed limit-\$20; (3) > 10 MPH but ≤ 15 MPH over the speed limit-\$40; (4) > 15 MPH but ≤ 20 MPH over the speed limit-\$60; (5) > 20 MPH over the speed limit-\$60 plus \$2 for every MPH over the 20 MPH excessive speed. §805.8(g)(4) III. For violating the posted safe speed limit for a bridge or elevated structure, the scheduled fine is \$15. §805.8(h) IV. For violating the minimum speed rule (i.e., driving too slow), the scheduled fine is \$20. §805.8(l)

⁴The licensing agency may require a person, who is convicted of a speeding violation of ≥ 25 MPH but ≤ 29 MPH over the speed limit or for habitual traffic law violation, to attend a driver improvement program. This program is in lieu of license suspension. However, a person cannot be assigned to this program more than once in 2 years. IAC 761-615.43(1)(b)

⁵However, the licensing agency is not to consider the first two speeding violations within a 12 month period involving excess speed which was ≤ 10 MPH below the speed limit in speed zones having limits between 34 and 56 MPH. §321.210(2)(d)

⁶The minimum suspension period is usually 30 days. IAC 761-615.11(1) State regulations provide for graduated license suspension periods depending upon the seriousness of the speeding violation. E.g., a person convicted of speeding ≥ 25 MPH but < 26 MPH over the speed limit is subject to a 60 day suspension. Whereas, a person convicted of speeding ≥ 49 MPH over the speed limit is subject to a 1 year license suspension. IAC 761-615.17(2)(c)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

Other Criminal Actions Related to Speeding:

Drag Racing on Highway:

Simple Misdemeanor §321.278

Sanctions:

Criminal Sanction:

Not more than **30 days** §903.1(1)(a)

Imprisonment (Term):

None

Mandatory Minimum Term:

Fine (\$ Range):

\$50 to \$100 §903.1(1)(a)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Revocation §321.209(6)

Length of Term of

Licensing Withdrawal:

1st offense-6 months If there was no personal injury or property damage §321.212(1)(c) 1st offense where there is personal injury or property damage or for any subsequent offense-1 year §321.212(1)(a)

Mandatory Action--Minimum

Length of License

Withdrawal:

None A restricted license is available for employment, educational or medical purposes. §321.215(1)

Other:

An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

Reckless Driving:

Simple Misdemeanor §321.277

Sanction:

Criminal:

Imprisonment (Term):

Not more than **30 days** §903.1(1)(a)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

\$50 to \$100 §903.1(1)(a)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension §321.210(1)(f)

Length of Term of License

Withdrawal Action:

Not more than **1 year** §321.212(1)(a)

Mandatory Term of License

Withdrawal Action:

None A restricted license is available for employment, educational or medical purposes. §321.215(1)

Other:

An offender is assessed an additional penalty of 30 percent of the fine imposed. §911.2

IOWA

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either commit 2 or more serious traffic offenses⁸ within a 3 year period. §321.208(4)

Period of Disqualification:

2 violations (within 3 years)-**60 days** 3 violations (within 3 years)-**120 days** §321.208(4)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §§321.208 & 321.215(4)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §321.1

⁸these violations includes exceeding the speed limit by 15 or more MPH and reckless driving. §321.208(4)

JURISDICTION:

KANSAS

General Reference:

This chapter summarizes Kansas State statutes related to speed.
Kansas Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual hazards than existing. §8-1557

**Statutory Speed Limit:
See Other below.**

70 MPH on multilaned highways as designated by the State Secretary of Transportation §8-1558(a)(2)
65 MPH on all other highways except a county or township highway §8-1558(a)(4)
55 MPH on a county or township highway §8-1558(a)(3)
30 MPH in an urban district §8-1558(a)(1)

Posted (Maximum) Speed Limit:

I. The State Secretary of Transportation may decrease the above maximum speed limits.¹ §8-1559(a)(1)
II. The State Secretary of Transportation or local government authorities may establish a speed limit in a construction zone. §§8-1559(a)(c) & 8-1559
III. Based on engineering and traffic investigations, a local government may increase or decrease speed limits within its jurisdiction. However, the following limitations apply. (1) A speed limit cannot be established greater than 65 MPH. (2) Outside an urban or residence district, the speed limit cannot be less than 20 MPH. (3) Within a school urban district school zone when students are going either to or from school, the speed limit cannot be less than 20 MPH. §§8-1560 & 8-2002

Minimum Speed Limit:

No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §8-1561(a)

Posted (Minimum) Speed Limit:

I. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a minimum speed limit on any highway or part thereof. §8-1561(b)
II. Based on engineering and traffic investigations, either the State Secretary of Transportation or local government authorities may establish a maximum speed limit on any bridge or elevated structure. §8-1563(c) & (d)

Other:

I. A motor-driven cycle shall not be operated at a speed greater than 35 MPH. §8-1562
II. A vehicle which is towing a house trailer shall not be operated at a speed greater than 55 MPH. §8-1563(a)

¹The secretary may decrease such limits based either on engineering and traffic investigations or on other information that is available. Under no circumstances is the secretary is authorized to increase a speed limit in excess of the statutory maximum limits. §8-1559(a) & (d) In addition, the State may establish different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §8-1559(b)

KANSAS

Basis for a Speed Law Violation:

(continued)

III. A vehicle equipped with solid rubber tires shall not be operated at a speed greater than 10 MPH. §8-1563(b)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Traffic Infractions. §§8-2116, 8-2118 & 21-3105(2)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$500² §21-4503a(d)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

If an offender is subject to a license suspension because of 3 moving violations within 12 months, they may be allowed to maintain their driving privileges by attending a driver improvement clinic. §8-255(f)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension³ §8-255(a)(1) & (2)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than 1 year §8-256

Mandatory Minimum Term of

Withdrawal:

None

Miscellaneous Sanctions

Not Included Elsewhere:

²If a person either waives their right to a trial for, pleads guilty to or no contest to a traffic infraction, the fine imposed is determined via the uniform fine schedule. Under this schedule, the following fines are imposed for speeding offenses. I. For violating the basic speed rule, the fine is \$20. For exceeding the speed limit by 1 to 10 MPH, the fine is \$10. For exceeding the speed limit by 11 to 20 MPH, the fine is \$10 plus \$2 for every MPH above 10 MPH over the limit. For exceeding the speed limit by 21 to 30 MPH, the fine is \$30 plus \$3 for every MPH above 20 MPH over the limit. II. For impeding the normal flow of traffic, the fine is \$10. III. For speeding on a motor cycle, the fine is \$20. IV. For exceeding the posted maximum safe speed on a bridge or elevated structure, the fine is \$10. §8-2118(c)

³**Basis for Suspension.** The licensing agency is authorized to suspend an offenders' license if the following conditions are satisfied. I. The offender has committed numerous serious traffic law violations which indicate a disrespect for the traffic laws. II. The offender has been convicted of 3 or more moving traffic law violations within a 12 month period. §8-255(a)(1) & (2)

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class A, B or C Misdemeanor ⁴ §§8-1565(a) & (d) and 8-2116(b)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 1 months <u>2nd offender</u> (within 1 year)-Not more than 6 months <u>3rd or subsequent offender</u> (within 1 year)-Not more than 1 year §21-4502(1)(a), (b) & (c)
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense</u> -Not more than \$500 <u>2nd offender</u> (within 1 year)-Not more than \$1,000 <u>3rd or subsequent offender</u> (within 1 year)-Not more than \$2,500 §21-4503a(b)(1), (2) & (3)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension ³ §8-255(a)(1) & (2)
Length of Term of Licensing Withdrawal:	Not more than 1 year §8-256
Mandatory Action--Minimum Length of License Withdrawal:	None
Other:	If an offender is subject to a license suspension because of 3 moving violations within 12 months, they may be allowed to maintain their driving privileges by attending a driver improvement clinic. §8-255(f)
<u>Reckless Driving:</u>	Misdemeanor §8-1566(a) & (b)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> - 5 to 90 days <u>2nd or subsequent offense</u> - 10 days to 6 months §8-1566(b)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense</u> - \$25 to \$500 <u>2nd or subsequent offense</u> - \$50 to \$500 §8-1566(b)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation §8-254(a)(5)
Length of Term of License Withdrawal Action:	Not more than 1 year §8-265
Mandatory Term of License Withdrawal Action:	None An offender may be issued restricted driving privileges in lieu of revocation. §8-254(b)
Other:	

⁴A 1st offense is a Class C misdemeanor. A 2nd offense within 1 year is a Class B misdemeanor. And, a 3rd or subsequent offense within 1 year is a Class A misdemeanor. §8-2116(b)

KANSAS

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §8-2,142(f)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §8-2,142(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §8-2,142(f)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §8-2,128(f)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §8-2,128(v) & (b)

JURISDICTION:

KENTUCKY

General Reference:

This chapter summarizes Kentucky State statutes related to speed. Kentucky Revised Statutes and Kentucky Administrative Regulations (KAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a greater speed than is reasonable and prudent, having regard for the traffic and for the condition and use of the highway. §189.390(2)

**Statutory Speed Limit:
See Other below.**

65 MPH on certain nonurbanized highways¹ §189.390(3)(a) & (5)(d)
55 MPH outside business or residential districts §189.390(3)(a)
35 MPH in business or residential districts §189.390(3)(a)
15 MPH on off-street parking facilities §189.390(c)

Posted (Maximum) Speed Limit:

I. Based upon engineering and traffic investigations, the State Secretary of Transportation may increase or decrease the speed limits on any highway.² However, the speed limit on highways, including interstate and 4 lane divided highways which are located in urbanized areas, cannot exceed 55 MPH. §189.390(4)(a)
II. With the approval of the State Secretary of Transportation, a local government may establish speed limits for the highways or streets within its jurisdiction within jurisdiction. However, such limits cannot exceed 55 MPH as noted in I above. §189.390(5)(a) & (b)

Minimum Speed Limit:

A person shall not operate a motor vehicle at a speed that will impede or block the normal and reasonable movement of traffic. §189.390(6)

Posted (Minimum) Speed Limit:

Other:

I. For vehicles with ≤5 horsepower, the maximum speed is 35 MPH in any location. §189.390(3)(b)
II. The Transportation Cabinet may establish temporary reduced speed limits in work zones. §189.390(4)(b)

Adjudication of Speed Law Violations:

**Civil/Criminal Adjudication of Violation:
Other:**

All Speed Law Offenses are Violations. §532.020(4)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

¹Such nonurbanized highways include only interstate and divided highways with 4 or more lanes. §189.390(5)(d)

²Note: Kentucky law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

KENTUCKY

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:	
Amount (\$ Range):	<u>Speed Limit Violations</u> -Not more than \$100³ §189.394 <u>Other Violations</u> - \$20 to \$100 §189.993(12)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	A person may be required to attend a State Traffic School. ⁴ §186.574
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<u>Suspension⁵</u> §§186.400, 186.570 & 186.572 and 601 KAR 13:025
Term of License Withdrawal (Days, Months, Years, etc.):	I. 90 days to 2 years⁵ for speeding violations except as noted II. For speeding ≥ 26 MPH over the speed limit- <u>1st offense-90 days</u> <u>2nd offense</u> -Not less than 1 year <u>Subsequent offense</u> -Not less than 2 years 601 KAR 13:025
Mandatory Minimum Term of Withdrawal:	<u>1st offense</u> -An offender may be placed on probation for 2 years ⁶ in lieu of license suspension. <u>Subsequent offense</u> -If a person receives an additional conviction during the probation period, their license must be suspended. 601 KAR 13:025
Miscellaneous Sanctions Not Included Elsewhere:	I. An offender is assessed \$12.50 for any speeding violation. This assessment is deposited into a trust fund which is used for spinal cord and head injury research. §189.394(5)

³Fines for speed limit violations are determined via a matrix. This matrix establishes fines based upon how many MPH the offender exceeded a specific speed limit (the *prima facie* speed limit). The fines range from **\$1 to \$55**. §189.394(1) For speeding violations in excess of those shown in the matrix, the fine range is **\$60 to \$100**. §189.394(2) These fines are double if the offense occurred in a work zone. §189.394(6)

⁴The court may place an offender in this program in lieu of other sanctions. §186.574(1)

⁵**Point System.** I. Under the point system, an offender's license is suspended for 6 months if they accumulate 12 points within a 2 year period. The suspension is 1 year of a second accumulation of 12 points and 2 years for a third or subsequent accumulation of 12 points within a two year period. II. The following points are assigned for speeding and speed related offenses: (1) Speeding ≤ 15 MPH over the speed limit-3 points; speeding ≥ 16 MPH but < 26 MPH over the speed limit-6 points; reckless driving-4 points; driving too fast or too slow for conditions-3 points; careless driving-3 points. 601 KAR 13:025 In an opinion, the State Attorney General has noted that is no statutory difference between reckless and careless driving but that the point assessment system, nevertheless, distinguishes between these offenses and assigns different point values to them. To clarify which point value should be used, the attorney general has determined that the lower point value should be used in the interest of being lenient to the offender. OAG 78-771

⁶A person, who has been placed on probation, cannot be placed in such status again until 2 years have passed since the end of the last probation period. 601 KAR 13:025

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere: (continued)

II. Offenders < 18 Years Old. These offenders may be allowed to participate in a court diversion program. Under this program, the court must (1) prohibit the offender from driving for not more than 45 days and/or (2) require them to complete a driver improvement clinic. §189.990(27)

Other Criminal Actions Related to Speeding:

Racing on Highway:
Sanctions: Class B Misdemeanor⁷ §§189.505, 189.993(5) & 532.020(3)
Criminal Sanction:
Imprisonment (Term): Not more than 30 days §189.993(5)
Mandatory Minimum Term: None
Fine (\$ Range): \$60 to \$200 §189.993(5)
Mandatory Minimum Fine: None

Administrative Licensing Action:
Licensing Authorized and
Type of Action: Suspension via the Point System⁵
Length of Term of
Licensing Withdrawal: 90 days to 2 years⁵
Mandatory Action--Minimum
Length of License
Withdrawal: 1st offense-An offender may be placed on probation for 2 years⁵ in lieu of license suspension. Subsequent offense-If a person receives an additional conviction during the probation period, their license must be suspended. 601 KAR 13:025

Other: A person may be required to attend a State Traffic School.⁴ §186.574

Careless (Reckless) Driving⁸:
Sanction: Violation §§189.020, 189.990(1) & 532.020(4)
Criminal:
Imprisonment (Term): None
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range): \$20 to \$100 §189.990(1)
Mandatory Minimum Fine: None

⁷It is a violation to conduct a horse race on a highway. The only sanction for this offense is a fine of between \$20 and \$50. §§189.510, 189.990(7) & 532.020(4)

⁸Under Kentucky law, the terms "careless driving" and "reckless driving" are used interchangeably. See OAG 78-771 and *Hash v. Com.*, 883 S.W.2d 892 (Ky.App. 1992).

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Other Criminal Actions Related to Speeding:
(continued)

Careless (Reckless) Driving:
(continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation §§186.560& 186.570 and 601 KAR 13:025

Length of Term of License

Withdrawal Action:

90 days to 2 years via the Point System³ 3 convictions within 12 months-Not less than a **2 year revocation §186.560(1)(e) & (5)**

Mandatory Term of License

Withdrawal Action:

3 convictions within 12 months-2 year revocation (appears mandatory) §186.560(1)(e) & (5)

Other:

A person may be required to attend a State Traffic School.⁴ §186.574

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §281A.190(6)

Period of Disqualification:

2 serious violations (within 3 years)-60 days** 3 serious violations (within 3 years)-**120 days** §281A.190(6)**

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-60 days** 3 serious violations (within 3 years)-**120 days** §281A.190(6)**

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §281A.010(8)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §281A.010(29)

JURISDICTION:

LOUISIANA

General Reference:

This chapter summarizes Louisiana State statutes related to speed. West's Louisiana Statutes Annotated: Revised Statutes Note: Citations are to the Revised Statutes unless otherwise stated.

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and potential hazards then existing, having due regard for the traffic on, and the surface and width of, the highway, and the condition of the weather. §32:64(A)

**Statutory Speed Limit:
See Other below.**

65 MPH on interstate highways §32:61(B)
55 MPH on other highways §§32:61(A) & 32:62(A)(1)

Posted (Maximum) Speed Limit:

I. Base on engineering and traffic investigations, the State may increase or decrease the above any maximum speed limits.¹ §32:63(A)
II. Local governments are authorized to establish speed limits or speed zones. However, no speed limit shall be established in excess of the above maximum limits. §§32:41(A)(9), 32:42 & 40:403

Minimum Speed Limit:

No person shall operate a motor vehicle at a such a slow speed as to impede the normal and reasonable movement of traffic. §32:64(B)

Posted (Minimum) Speed Limit:

Base on engineering and traffic investigations, the State may establish a minimum speed limit on any highway. §32:63(B)

Other:

I. No person shall operate a freight carrying vehicle upon an interstate highway > 60 MPH. §32:62(A)(2)
II. No person shall tow a mobile home at a speed > 45 MPH.² The State is authorized to increase this limit. §32:62(B)
III. Except for tow trucks, no person shall tow a vehicle at a speed > 45 MPH. §32:62(C)
IV. No person shall operate a school bus, which is carrying children, at a speed > 55 MPH.³ §32:62(D)
V. A vehicle carrying a precast fiberglass swimming pool shall not be operated at a speed > 45 MPH. §32:387.3(A)
VI. A person shall not operate a log loader at a speed > 40 MPH. §47:502.1(B)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §14:2(4) & (6), 14:32.1(B) and Code of Criminal Procedure, Article 933

¹Note: Louisiana law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

²If the mobile home is either (1) ≥ 15 feet but ≤ 30 feet and is equipped with brakes or (2) < 15 feet and is not equipped with brakes, it may be towed at a speed ≤ 55 MPH between sunrise and sunset and ≤ 50 MPH between sunset and sunrise. §32:62(B)

³However, if the school bus is making frequent stops discharging children, it cannot be operated at a speed > 35 MPH. §32:62(D)

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Adjudication of Speed Law Violations:

(continued)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **30 days** Subsequent offense-Not more than
90 days §§32:57(A) & 47:502.1(B)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

1st offense-Not more than **\$175**⁴ Subsequent offense-Not more than
\$500 §§32:57(A) & 47:502.1(B)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver education, training or
improvement program.⁵ Code of Criminal Procedure, Article 892.1

Other:

A fee of **\$5** is assessed for the purpose of funding the Traumatic Head
and Spinal Cord Injury Trust Fund. §46:2633

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension, Revocation or Cancellation⁶ §32:414(E)(3) & (4)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §32:414(F)(2)

Mandatory Minimum Term of

Withdrawal:

None⁷

⁴For persons, who operate a log loader in excess of 40 MPH, the fine for a 1st offense is not more than \$100. §47:502.1(B) In all other respects, the sanctions for this offense are the same as for other speeding violations.

⁵I. The court may suspend the sentence of 1st offenders and order them to attend this program. Upon completion of the program, the offender's conviction may be set aside. Code of Criminal Procedure, Article 892.1(B) & (C) II. For either 1st or subsequent offenders, the court may defer proceedings and allow an offender to participate in this program provided the following conditions are satisfied: (1) The offender pleads either *nolo contendere* or guilty to the charge; (2) the offender has not participated in such a program within 2 years; and, (3) the offense did not involve exceeding the posted speed limit by 25 MPH or more. Code of Criminal Procedure, Article 892.1(E) Upon completion of the course, the court sets aside the conviction. However, the court can only set aside one charge for each course completed. Code of Criminal Procedure, Article 892.1(H)

⁶The licensing agency is authorized to either suspend, revoke or cancel a person's license upon a showing either (1) that have been convicted (or forfeited bail) on traffic offenses with such a frequency that their is an indication that they have a disrespect for the traffic law or (2) they are an habitually reckless or negligent driver. §32:414(E)(3) & (4)

⁷A person, who has had their license either suspended, revoked or cancelled for the first time, may apply for driving privileges based on economic hardship. I.e., that the loss of driving privileges would deprive the offender from earning a living. §32:415.1(A)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions

Not Included Elsewhere:

The State, under separate statutory authority, can promulgate regulations regulating speed on Louisiana expressways. A person, who violates these regulations, is subject to imprisonment for not more than 90 days and/or a fine of not more than \$200. §48:1272(A)

Other Criminal Actions Related to Speeding:

Drag Racing or Racing on the Highway:

Misdemeanor §§14:2(4) & (6), 14:32.1(B), 32:65 and Code of Criminal Procedure, Article 933

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Not more than **30 days** Subsequent offense-Not more than **90 days** §32:57(A)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense-Not more than **\$175** Subsequent offense-Not more than **\$500** §32:57(A)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension, Revocation or Cancellation⁶ §32:414(E)(3) & (4)

Length of Term of

Not more than **1 year** §32:414(F)(2)

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

None⁷

Other:

An offender may be required to attend a driver education, training or improvement program.⁵ Code of Criminal Procedure, Article 892.1

Reckless Vehicle Operation⁸:

Misdemeanor §§14:2(4) & (6), 14:32.1(B), 14:99 and Code of Criminal Procedure, Article 933

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than **90 days** Subsequent offense-**10 days to 6 months** §14:99

Mandatory Minimum Term

None

of Imprisonment:

Fine (\$ Range):

1st offense-Not more than **\$200** Subsequent offense-**\$25 to \$500** §14:99

Mandatory Minimum Fine:

None

⁸The terms "reckless driving" and "careless operation" of a vehicle are sometimes used interchangeably. See, for example, *Alexander v. Rivers*, 560 So.2d 999 (La.App. 4 Cir. 1990). However, the two terms represent different types of criminal offenses. Reckless operation of a vehicle is defined as driving in a criminally negligent or reckless manner. §14:99. Whereas, careless operation of a vehicle means driving so as to endanger the life, limb, or property of any person. §32:58

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Vehicle Operation: (continued)

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

**Suspension, Revocation or Cancellation⁶ §32:414(E)(3) & (4)
Revocation for 3 offenses within 12 months §32:414(B)(5)**

Length of Term of License

Not more than 1 year §32:414(F)(2)

Withdrawal Action:

Mandatory Term of License

None⁷

Withdrawal Action:

Other:

I. An offender may be required to attend a driver education, training or improvement program.⁵ Code of Criminal Procedure, Article 892.1
II. A fee of \$5 is assessed for the purpose of funding the Traumatic Head and Spinal Cord Injury Trust Fund. §46:2633

Careless Vehicle Operation⁸:

Misdemeanor §§14:2(4) & (6), 14:32.1(B), 32:58 and Code of Criminal Procedure, Article 933

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than 30 days Subsequent offense-Not more than 90 days §32:57(A)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

1st offense-Not more than \$175 Subsequent offense-Not more than \$500 §32:57(A)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension, Revocation or Cancellation⁶ §32:414(E)(3) & (4)

Length of Term of License

Not more than 1 year §32:414(F)(2)

Withdrawal Action:

Mandatory Term of License

None⁵

Withdrawal Action:

Other:

An offender may be required to attend a driver education, training or improvement program.⁴ Code of Criminal Procedure, Article 892.1

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §32:414.2(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §32:414.2(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §32:414.2(5)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §32:401(5)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §32:414.2(A)(d)

LOUISIANA

SPEED LAWS

JURISDICTION:

MAINE

General Reference:

This chapter summarizes Maine State statutes related to speed.
Maine Revised Statutes Annotated (MRSA)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle at a careful and prudent speed not greater than is reasonable and proper having due regard to the traffic, surface and width of the way and of other conditions then existing. Title 29-A, §2074

**Statutory Speed Limit:
See Other below.**

65 MPH on the Maine Turnpike and interstate and divided controlled-access highways Title 23, §1973(2) & Title 29-A, §2073(1)(C)
60 MPH on other highways Title 29-A, §2073(1)(C)
45 MPH on all other public ways Title 29-A, §2074(1)(D)
25 MPH in business or residential districts Title 29-A, §2074(1)(C)
15 MPH when passing a school during recess or when the students are going to or leaving the school Title 29-A, §2074(1)(A)

Posted (Maximum) Speed Limit:

I. The State is authorized to increase or decrease the above speed limits.¹ However, no posted speed limit can exceed 65 MPH for the Maine Turnpike and interstate or divided controlled-access highways or 60 MPH for all other roads. Title 23, §1973(2) & Title 29-A, §2073(1)(C)
II. A local government may alter speed limits. However, such alteration cannot be contrary to the State speed laws. Title 29-A, §2075(3)

Minimum Speed Limit:

A person may not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 29-A, §2075(1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State may establish a minimum speed limit on a public way. Title 29-A, §2075(1)

Other:

A school bus may not be operated >45 MPH when transporting students. At other times, such vehicles cannot be operated at a speed > 55 MPH. Title 29-A, §2074(1)(E)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Speed Law Violations are Non-Criminal Traffic Infractions. Title 29-A, §§101, 104 & 103(1)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

¹Note: Maine law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

MAINE

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term:	
Fine:	
Amount (\$ Range):	\$25 to \$250² Title 29-A, §2604
Mandatory Min. Fine (\$):	\$25 Title 29-A, §104 For exceeding the 65 MPH speed limit on the Maine Turnpike or an interstate highway- \$50 Title 29-A, §2074(3)
Other Penalties:	
Traffic School:	A person, who completes a defensive driving course, will have their demerit point total reduced by 3 points. This can only occur once in a 12 month period. Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension³ Title 29-A, §§103(3) and 2458(2)(B) & (C)
Term of License Withdrawal (Days, Months, Years, etc.):	15 days If a person has had <u>3 previous suspensions</u> within 3 years- 120 days
Mandatory Minimum Term of Withdrawal:	None Note: Suspension action is discretionary with the licensing agency.
Miscellaneous Sanctions Not Included Elsewhere:	In addition to or in lieu of any other sanction for a traffic law violation, a court may suspend an offender's license for not more than 60 days. Title 29-A, §2418

Other Criminal Actions Related to Speeding:

<u>Exceeding Speed Limit by 30 MPH:</u>	Class E Crime Title 29-A, §2074(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 months Title 17-A, §1252(2)(E)
Mandatory Minimum Term:	None

²However, Title 29-A, §103(3) provides that a fine for a traffic infraction is not less than \$25 (mandatory under Title 29-A, §104) but not more than \$500.

³**Point System.** I. An offender's license may be suspended for up to 15 days if they accumulate 12 points within 1 year. If the offender's license has had 3 previous suspension within 3 years, they are subject to a suspension for up to 120 days. II. The following points are assigned for speeding or speed related offenses: Exceeding the speed limit by ≥ 15 but < 30 MPH-6 points; exceeding the speed limit by < 15 MPH-4 points; excessive acceleration-4 points; imprudent driving or speeding-4 points; failure to reduce speed on curve-2 points; obstructing the flow of traffic-2 points; speed under the posted minimum-2 points; and, squealing tires-2 points. Title 29-A, §2458(2)(C) & (3) and Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Other Criminal Actions Related to Speeding:
(continued)

Exceeding Speed Limit by 30 MPH:

(continued)

Fine (\$ Range):

Not more than **\$1,000** Title 17-A, §1301(1-A)(E)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension Title 29-A, §2458(C) & Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Length of Term of

Licensing Withdrawal:

30 days Title 29-A, §2458(C) & Rules for Administrative Suspension Relating to Demerit Point Accumulation, Convictions and Adjudications (Chapter 1, 29A-250)

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

I. An offender may be sentenced to perform community service for the benefit of the State, a local government, a school district or other public entity. Title 17-A, §1345

II. In addition to or in lieu of any other sanction for a traffic law violation, a court may suspend an offender's license for not more than 60 days. Title 29-A, §2418

Driving to Endanger⁴:

Sanction:

Class E Crime Title 29-A, §2413(1)

Criminal:

Imprisonment (Term):

Not more than **6 months** Title 17-A, §1252(2)(E)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$1,000** Title 17-A, §1301(1-A)(E)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension Title 29-A, §§2413(3) & 2458(2)(H)

Length of Term of License

Withdrawal Action:

30 to 180 days Title 29-A, §2413(3)

Mandatory Term of License

Withdrawal Action:

30 days Title 29-A, §2413(3)

Other:

I. An offender may be sentenced to perform community service for the benefit of the State, a local government, a school district or other public entity. Title 17-A, §1345

⁴A person commits this offense if they operate a motor vehicle in a manner that endangers the property of another. This includes the property of either the operator or a passenger in the vehicle. Title 29-A, §2413(1)

MAINE

Other Criminal Actions Related to Speeding:
(continued)

Driving to Endanger:

Other: (continued)

II. In addition to or in lieu of any other sanction for a traffic law violation, a court may suspend an offender's license for not more than 60 days. Title 29-A, §2418

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

Special Note: Maine law allows the licensing agency to suspended a person's license (e.g, CDL) based on a violation of Federal CDL law and regulations. Title 29-A, §§1253 & 2458(2)(M)A Under Federal law, a person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. 49 USC §31310(e)⁷ & 49 CFR §383.51(c)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** 49 USC §31310(e) & 49 CFR §383.51(c)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** 49 USC §31310(e) & 49 CFR §383.51(c)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is a bus or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 29-A, §101(17)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. 49 USC §31301(12) & 49 CFR §383.5

⁷This section is part of Public Law 103-272 which replaced Public Law 99-570.

JURISDICTION:

MARYLAND

General Reference:

This chapter summarizes Maryland State statutes related to speed. Annotated Code of Maryland Most references are to the Transportation Article (Tran.)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed that, with regard to the actual and potential dangers existing, is more than that which is reasonable and prudent under the conditions. Tran. §21-801(a)

Statutory Speed Limit:
See Other below.

65 MPH is maximum speed limit which can be established on any highway. Tran. §21-801.1(e)(2)
55 MPH on (1) highways which are not interstate highways or expressways or (2) divided highways in other locations Tran. §21-801.1(b)(4) & (e)(1)
50 MPH on undivided highways except as noted below Tran. §21-801.1(b)(3)
35 MPH on divided highways in residential districts Tran. §21-801.1(b)(2)
30 MPH on highways in business districts or on undivided highways in residential districts Tran. §21-801.1(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Highway Administration may alter the above speed limits. Such alterations may provide for different speed limits (1) at specified times of the day, for certain weather conditions, for various types of vehicles, and for other reasons concerned with highway safety. However, no speed limit shall be (1) > 65 MPH on any highway or (2) > 55 MPH on highways which are not interstate highways or expressways or divided highways in other locations. Tran. §§21-801.1(d) and (e)(1) & (2), 21-208
II. Based on engineering and traffic investigations, local governments¹ may establish posted speed limits.² However, a speed of > 50 MPH cannot be established in an urban district. In addition, a speed limit < 25 MPH cannot be established outside an urban district. Tran. §21-803
III. The State Highway Administration, via a request by a local government, may establish a speed limit in a designated school zone which is within half-mile of the school.³ §21-803.1(a)

Minimum Speed Limit:

A person shall not operate willfully operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Tran. §21-804(a)

¹County boards of education and university and college officials have the authority to establish speed limits on property within their jurisdiction. Tran. §21-803.2

²With the exception of the City of Baltimore, the State Highway Administration must approve the alteration of a speed limit on a State highway by a local authority. Tran. §21-803(d)

³Under other statutory authority, a municipality within a county may establish a speed limit of 15 MPH in school zones during school hours. Tran. §21-803(b)(2)

MARYLAND

Basis for a Speed Law Violation:

(continued)

Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State Highway Administration or a local government may establish a minimum speed limit on a highway or part thereof. Tran. §§21-804(b) & 21-1409
Other:	I. Speed limits may be established for highway work zones. Tran. §21-802.1 II. A school bus, while carrying any passengers, cannot be operated at a speed > 50 MPH. Tran. §21-806(a) III. Following an investigation, the State Highway Administration may establish a maximum safe speed for any bridge or elevated structure. Tran. §21-806(b) IV. Certain "dump trucks" when loaded cannot be operated at a speed > 45 MPH. This restriction does not apply on divided highways with two or more lanes in each direction. Tran. §13-919(g)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Misdemeanors. Tran. §27-101(a)
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$500 Tran. §27-101(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation via a Point System⁴

⁴**Point System.** If a person accumulates 8 points (16 points if the offender is required to drive in the course of employment) or 12 points (19 points if the offender is required to drive in the course of employment) within 2 years, they are subject respectively to either a license suspension or revocation. Tran. §§16-404(a)(3) & 16-405(b) An initial suspension is from 2 to 30 days; a subsequent suspension is from 15 to 90 days. A person, who has had their license revoked, is subject to the following revocation periods: 6 months if it is the offender's first revocation; 1 year if it is the offender's second revocation; 18 months if it is the offender's third revocation; and, 2 years if it is the offender's fourth or subsequent revocation. Tran. §§16-208(b) The following points are assessed for speeding offenses and speed related law violations: Speeding > 10 MPH over the posted speed limit-2 points; reckless driving-4 points; speeding > 30 MPH over the posted speed limit-5 points; participating in a race or speed contest on a highway-5 points; exceeding the 65 MPH posted speed limit by > 20 MPH-5 points; for any other traffic law (moving) violation not contributing to an accident-1 point; and, for any other traffic law (moving) violation contributing to an accident-3 points. Tran. §16-402(a)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Term of License Withdrawal (Days, Months, Years, etc.): Mandatory Minimum Term of Withdrawal:</p>	<p>Not more than 2 years⁴</p> <p>None If a suspension or revocation would adversely an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)</p>
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Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

<p><u>Race or Speed Contest on a Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:</p>	<p>Misdemeanor Tran. §§21-1116(a) & 27-101(a)</p> <p>None</p> <p>Not more than \$500 Tran. §27-101(b)</p> <p>None</p>
<p>Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal: Mandatory Action--Minimum Length of License Withdrawal:</p>	<p>Suspension or Revocation via a Point System⁴</p> <p>Not more than 2 years⁴</p> <p>None If a suspension or revocation would adversely an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)</p>

Other:

<p><u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:</p>	<p>Misdemeanor⁵ Tran. §§21-901.1(a) & 27-101(a)</p> <p>None</p> <p>Not more than \$500 Tran. §27-101(b)</p> <p>None</p>
<p>Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):</p>	<p>Suspension or Revocation via a Point System⁴</p>

⁵"Reckless driving" is defined as operating a motor vehicle either (1) in a wanton or willful disregard for the safety of persons or property or (2) in a manner that indicates a wanton or willful disregard for the safety of persons or property. Tran. §21-901.1(a)

MARYLAND

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Length of Term of License

Withdrawal Action:

Not more than 2 years⁴

Mandatory Term of License

Withdrawal Action:

None If a suspension or revocation would adversely affect an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)

Other:

Negligent Driving:

Sanction:

Misdemeanor⁶ Tran. §§21-901.1(b) & 27-101(a)

Criminal:

Imprisonment (Term):

None

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Not more than **\$500** Tran. §27-101(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation via a Point System⁴

Length of Term of License

Withdrawal Action:

Not more than 2 years⁴

Mandatory Term of License

Withdrawal Action:

None If a suspension or revocation would adversely affect an offender's employment or opportunity for employment, such licensing action may be declined, canceled or modified. Tran. §16-405(a)

Other:

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. Tran. §16-812(f) & (g)

⁶"Negligent driving" is defined as operating a motor vehicle in a careless or imprudent manner that endangers any property or the life or person of any individual. Tran. §21-901.1(b)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. §11-109.1(a)

⁸A "serious traffic violation" includes excessive speeding as defined by the U.S. Department of Transportation (exceeding the speed limit by 15 or more MPH) or reckless driving. Tran. §16-803(h)

MARYLAND

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Tran. §16-812(f) & (g)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Tran. §16-812(f) & (g)

MARYLAND

SPEED LAWS

JURISDICTION:

MASSACHUSETTS

General Reference:

This chapter summarizes Massachusetts State statutes related to speed. Massachusetts General Laws Annotated and Code of Massachusetts Regulations (CMR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall "run" a motor vehicle at a rate of speed greater than is reasonable and proper, having regard to traffic and the use of the way and the safety of the public.¹ Ch. 90, §17

**Statutory Speed Limit:
See Other below.**

65 MPH on certain parts of interstate highways Ch. 90, §17A

Posted (Maximum) Speed Limit:

The State or a local government may regulate the speed limit on a highway. Ch. 90, §18 Note: Massachusetts law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

Minimum Speed Limit:

No person shall drive in such a manner as to obstruct unnecessarily the normal movement of traffic upon a highway. 720 CMR 9.06(6)(a)

Posted (Minimum) Speed Limit:

Other:

I. No vehicle with a load of weighing >4 tons when equipped with metallic tire shall be operated at a speed >4 MPH. Ch. 85, §31
II. Certain State agencies have the authority to regulate speed on certain roads or highways under their jurisdiction. The regulations governing these speed limits are not reported in detail.²

Adjudication of Speed Law Violations:

**Civil/Criminal Adjudication of Violation:
Other:**

All Speed Law Violations are Misdemeanors. Ch. 274, §1

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

¹It is *prima facie* evidence of a violation of this rule if a person operates a motor vehicle in excess of the following speed limits: (1) > 50 MPH on a divided highway outside a thickly populated business district; (2) > 40 MPH on any other highway outside a thickly populated business district; (3) > 30 MPH inside a thickly populated business district; (4) > 20 MPH in an established school zone; and, (5) > 15 MPH in the vicinity of a vehicle which is selling merchandise and is displaying flashing amber lights. Ch. 90, §17

²E.g., 321 CMR 3.01(1)(g) which regulates speed on roads in wildlife management areas; 730 CMR 3.04 (2)(s) and 3.05(15), (16) & (17) which regulates speed in certain tunnels; 350 CMR 4.01(2) which regulates speed on roads controlled by the Metropolitan District Commission; 740 CMR 11.05(2) which regulates speed on certain the Maurice J. Tobin Bridge; 304 CMR 12.16(2) which regulates speed in certain forests and parks; and, 740 CMR 21.51(6) which regulates speed on roads around certain airports.

MASSACHUSETTS

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:	
Amount (\$ Range):	<u>Basic Speed Rule, Speed Limit Violations</u> -Not less than \$50³ If the offender was exceeding the speed limit by > 10 MPH, an additional fine of \$10 per MPH over the such limit. Ch. 90, §20 (¶2) <u>Unnecessarily Obstructing Traffic</u> -Not more than \$20 720 CMR 9.06(6)(a) & Ch. 85, §2 <u>Exceeding 4 MPH While Operating Vehicles with Metallic Tires with a Load >4 Tons</u> -Not more than \$100 Ch. 85, §32
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	<u>3rd or subsequent offense</u> within 12 months- Revocation Ch. 90, §20 (¶4)
Term of License Withdrawal (Days, Months, Years, etc.):	<u>3rd or subsequent offense</u> within 12 months-For at least 30 days Ch. 90, §20 (¶4)
Mandatory Minimum Term of Withdrawal:	<u>3rd or subsequent offense</u> within 12 months- 30 days Ch. 90, §20 (¶4) The minimum revocation period appears to be mandatory.
Miscellaneous Sanctions	
Not Included Elsewhere:	The State licensing agency has the authority to either suspend or revoke a person's driving privilege based on a violation of the traffic laws if it believes that the violation was of such a nature that continuing to allow the offender to drive would "constitute an immediate threat to the public safety." Ch. 90, §22(a)

Other Criminal Actions Related to Speeding:

<u>Drag Racing:</u>	Misdemeanor Ch. 90, §17B & Ch. 274, §1
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	<u>1st offense</u> - \$100 to \$500 <u>Subsequent offense</u> - \$200 to \$1,000 Ch. 90 §17B
Mandatory Minimum Fine:	None

³**Heavy Vehicles.** I. A person who violates the speed laws when operating any motor vehicle, trailer, semitrailer, semitrailer unit or tandem unit, operating under a permit issued under Ch. 90, §§30 and 31A, and which is over weight, is subject to the following fine sanctions: 1st offense-Not more than \$100; 2nd offense within 12 months-\$100 to \$150; and, subsequent offense-\$150 to \$300. Ch. 90, §20 (**¶3**) II. **Exceeding the 65 MPH Speed Limit on Interstate Highways.** Although the law is not clear, it appears that the following sanctions (the general sanctions for a violation of the traffic laws) apply to this violation: 1st offense-\$35; 2nd offense within 12 months-\$35 to \$75; and a subsequent offense within 12 months-\$75 to \$150. Ch. 90, §20 (**¶1**)

Other Criminal Actions Related to Speeding:
(continued)

Drag Racing: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension Ch. 90, §17B

Length of Term of

Licensing Withdrawal:

1st offense-Not less than 30 days Subsequent offense-Not less than 60 days Ch. 90 §17B

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-30 days Subsequent offense-60 days Ch. 90 §17B The minimum suspension period appears to be mandatory.

Other:

Racing on the Highway⁴:

Misdemeanor Ch. 90, §24(2)(a) & Ch. 274, §1

Sanction:

Criminal:

Imprisonment (Term):

2 weeks to 2 years Ch. 90, §24(2)(a)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

\$20 to \$200 Ch. 90, §24(2)(a)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation Ch. 90, §24(2)(b)

Length of Term of License

Withdrawal Action:

1st offense-At least 60 days Subsequent offense within 3 years-At least 1 year Ch. 90, §24(2)(c)

Mandatory Term of License

Withdrawal Action:

1st offense-60 days Subsequent offense within 3 years-1 year Ch. 90, §24(2)(c)

Other:

The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b)

Reckless Driving⁵:

Misdemeanor Ch. 90, §24(2)(a) & Ch. 274, §1

Sanction:

Criminal:

Imprisonment (Term):

2 weeks to 2 years Ch. 90, §24(2)(a)

Mandatory Minimum Term

of Imprisonment:

None

⁴Although the State does not have a specific crime entitled "racing on the highway", it does make it an offense to operate a motor a vehicle on a highway upon a bet or wager in a race or for the purpose of making a record. Ch. 90, §24(2)(a)

⁵The crime of "reckless driving" is defined as operating a motor a vehicle in a reckless or negligent manner so as to endanger lives or the public safety. Ch. 90, §24(2)(a)

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Fine (\$ Range): **\$20 to \$200** Ch. 90, §24(2)(a)

Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev): **Revocation** Ch. 90, §24(2)(b)

Length of Term of License Withdrawal Action: **1st offense-At least 60 days** Subsequent offense within 3 years-At least **1 year** Ch. 90, §24(2)(c)

Mandatory Term of License Withdrawal Action: **None** The licensing agency may rescind the revocation at any time. Ch. 90, §24(2)(c)

Other: The registrations of any vehicles owned by the offender may be revoked. Ch. 90, §24(2)(b)

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. Ch. 90F, §9(E)

Period of Disqualification: 2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** Ch. 90F, §9(E)

Period of Mandatory Disqualification: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Ch. 90F, §9(E)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Ch. 90F, §1

⁷A "serious traffic violation" includes excessive speed as determined by the U.S. Department of Transportation (exceeding the speed limit by 15 or more MPH), operating a motor vehicle as to endanger or reckless driving. Ch. 90F, §1

JURISDICTION:

MICHIGAN

General Reference:

This chapter summarizes Michigan State statutes related to speed.
Michigan Compiled Laws Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface, and width of the highway and of any other condition then existing. §257.627(1)

Statutory Speed Limit:

See Other below.

70 MPH on parts of freeways under a special speed study §257.628(5)
65 MPH, except as noted above, on freeways §257.628(5)
55 MPH on other highways §257.628(1)
25 MPH (*prima facie* unlawful speed) in business or residence districts, in public parks or in school zones¹ §§257.627(2) & 257.627a(2)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, State and local governments may establish maximum speed limits on highways under their jurisdiction. §258.628(1) Note: Michigan law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Local authorities may increase or decrease the above speed limit in a school zone.¹ §§257.627a(4) & 257.606(1)(k)
III. Local authorities may increase the *prima facie* speed limits within their jurisdictions. However, a *prima facie* speed limit outside either a business or residential district shall not be <25 MPH. A *prima facie* speed limit of not <15 MPH may be established for publicly owned parks or playgrounds. §257.629(1) & (4)
IV. When a state of emergency exists, the governor may reduce the speed limit on any street, highway or freeway via executive order. §257.629b

Minimum Speed Limit:

I. See the Basic Speed Rule above.
II. Based on engineering and traffic investigations, State and local governments establish minimum speed limits on highways under their jurisdictions. §258.628(1) However, the minimum speed limit on freeways is 45 MPH. §257.628(5)

Posted (Minimum) Speed Limit:

Other:

I. A person operating a passenger vehicle which is towing another vehicle shall not drive >55 MPH.² §257.627(5)

¹The *prima facie* speed limit in a school zone is in force from 30 minutes before to 30 minutes after school is in session and during school lunch periods when students are allowed to leave the school. §257.627a(2) If the a street in the school zone has a sidewalk on at least one side, the speed limit in the zone may be established at not less than 15 MPH below the regularly posted speed limit. In no situation shall the limit be established at <25 MPH. §257.627(a)(5)

²This limit does not apply if (1) "vehicle or trailer has 2 wheels or less and does not exceed the combined weight of 750 pounds for the vehicle or trailer and load, or a trailer coach of not more than 26 feet in length with brakes on each wheel and attached to the passenger vehicle with an equalizing or stabilizing coupling unit." §257.627(5)

MICHIGAN

Basis for a Speed Law Violation: (continued)

- II. A person operating a truck weighing $\geq 10,000$ lbs. shall not driver > 55 MPH.³ §257.627(6)
- III. A person shall not operate a school bus > 50 MPH (55 MPH on a limited access highway or freeway). §§257.627(7), 257.627b & 257.1861
- IV. Unless a special speed limit has been established, a person shall not operate a motor vehicle in a designated work area > 45 MPH. §257.627(9)
- V. A person shall not exceed the maximum safe posted speed limit which has been established for a bridge, causeway or viaduct. §257.631(1)
- VI. In the Lower Peninsula, towed mobile homes $> 14\text{-}1/3$ feet wide are prohibit from traveling either > 45 MPH or < 10 MPH below the speed limit whichever is lower. §257.719b(d)
- VII. It is *prima facie* unlawful to operate a vehicle > 15 MPH in a mobile park home. §257.627(4)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	Except as Noted, Speed Law Violations are Civil Infractions. §257.627(10)
Other:	The following are Misdemeanor Offenses: (1) Exceeding the speed limit in a school zone or (2) driving a school bus in excess of 55 MPH limit on a limit on limited access highway or freeway. §§257.627a, 257.627b and 257.901(a)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	<u>Civil Infraction-N/A</u>
Mandatory Minimum Term:	<u>Misdemeanor-Not more than 90 days</u> §257.901(b)
Fine:	None
Amount (\$ Range):	<u>Civil Infraction-Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a scheduled established by each district or municipal court. However, if a civil infraction violation is accompanied by a responsible or reasonable explanation, the fine is not more than \$100. §§257.907(2) & 600.8827</u> <u>Misdemeanor-Not more than \$100</u> §257.901(b)

³If reduced loading is being enforced on any highway, the maximum speed is 35 MPH. §257.627(6)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Mandatory Min. Fine (\$):</p>	<p>Civil Infraction: A mandatory fine is imposed for speeding related to exceeding the maximum speed limit on a highway or freeway.⁴ Note: Mandatory minimum fines could be established by the courts via the fine schedule.</p>
<p>Other Penalties:</p>	
<p>Traffic School:</p>	
<p>Other:</p>	
<p>Licensing Action:</p>	
<p>Type of Licensing Action (Susp/Rev):</p>	<p>Suspension via a Point System⁵ §§257.320(1)(d) & (2) and 257.320a</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>Not more than 1 year §257.320(4)</p>
<p>Mandatory Minimum Term of Withdrawal:</p>	<p>None</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	
	<p>Important. A person, who commits a moving violation (e.g. speeding violation), in a construction or school zone is subject to a fine that is double that otherwise prescribed by law. §257.601b</p>

Other Criminal Actions Related to Speeding:

<p><u>Drag Racing on Highway</u>⁶:</p>	<p>Misdemeanor §§257.626a & 257.901(1)</p>
<p>Sanctions:</p>	
<p>Criminal Sanction:</p>	
<p>Imprisonment (Term):</p>	<p>Not more than 90 days §257.901(2)</p>
<p>Mandatory Minimum Term:</p>	<p>None</p>
<p>Fine (\$ Range):</p>	<p>Not more than \$100 §257.901(2)</p>
<p>Mandatory Minimum Fine:</p>	<p>None</p>

⁴The following mandatory fines apply to persons who exceed the speed limit on highways or freeways with a maximum speed limit ≥ 55 MPH and where the offender has responded "with explanation" to a civil infraction: 1 to 5 MPH over the limit-\$10; 6 to 10 MPH over the limit-\$20; 11 to 15 MPH over the limit-\$30; 16 to 25 MPH over the limit-\$40; and, ≥ 26 MPH over the limit-\$50. §257.629c

⁵**Point System.** I. A persons's license is subject to suspension if they accumulate 12 points within a 2 year period. §257.32091(d) II. The following points are assigned for speeding and speed related violations: Felony resulting from the operation of a motor vehicle-6 points; reckless driving-6 points; drag racing-4 points; exceeding the speed by > 15 MPH-4 points; careless driving-3 points; exceeding the speed by > 10 MPH but ≤ 15 MPH-3 points; exceeding the speed limit by ≤ 10 MPH-2 points; and, all other speed related moving violation-2 points. §257.320a(a), (e), (f), (i), (j) & (k) III. However, the following points are assessed for exceeding the speed limit on highways where the speed limit is ≥ 55 MPH if the offender has responded "with explanation" to a civil infraction: 1 to 5 MPH over the limit-0 points; 6 to 10 MPH over the limit-1 point; 11 to 15 MPH over the limit-2 points; 16 to 25 MPH over the limit-3 points; and, ≥ 26 MPH over the limit-4 points. §257.629c

⁶The offense of "drag racing" on a highway is defined as operating a motor vehicle either (1) in a speed or acceleration contest, (2) for the purpose of making a record, or (3) for 2 or more vehicles to accelerate in speeds in an attempt to out-distance each other. §257.626a

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Other Criminal Actions Related to Speeding:
(continued)

Drag Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via the Point System⁵ §§257.257(1)(d) & 257.320a(1)

Length of Term of

Licensing Withdrawal:

Not more than **1 year** §257.320(4)

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

Careless or Negligent Driving⁷:

Civil Infraction §§257.626b & 257.907

Sanction:

Criminal:

Imprisonment (Term):

None

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Only a fine is imposed for a Civil Infraction. The actual fine that is to be imposed on an offender is determined by a schedule established by each district or municipal court. However, if a civil infraction violation is accompanied by a responsible or reasonable explanation, the fine is not more than **\$100**. §§257.907(2) & 600.8827

Mandatory Minimum Fine:

Note: A mandatory minimum fine could be established by the courts.

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via the Point System⁵ §§257.257(1)(d) & 257.320a(1)

Length of Term of License

Withdrawal Action:

Not more than **1 year** §257.320(4)

Mandatory Term of License

Withdrawal Action:

None

Other:

Reckless Driving:

Misdemeanor §§257.626(a) & 257.901(1)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **90 days** §257.626(b)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than **\$100** §257.626(b)

Mandatory Minimum Fine:

None

⁷This offense is defined as the operation of a vehicle in a careless or negligent manner which is likely to endanger any person or property but where such action was without wantonness or recklessness. §257.626b

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation §257.319(1)(d) Also, **Suspension** via the Point System⁵
§§257.257(1)(d) & 257.320a(1)

Length of Term of License

Withdrawal Action:

Revocation-90 days to 2 years §257.319(1) **Suspension**-Not more than
1 year §257.320(4)

Mandatory Term of License

Withdrawal Action:

Revocation-90 days §257.319(1) The minimum suspension period
appears to be mandatory. **Suspension**-None

Other:

Felonious Driving⁸:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Felony §752.191

Not more than **2 years** §752.191

None

Not more than **\$1,000** §752.191

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension §752.192 Also, **Suspension** via the Point System⁵
§§257.257(1)(d) & 257.320a(1)

Length of Term of License

Withdrawal Action:

I. The court recommends that the licensing agency suspended an
offender's license. The recommendation is included as part of the
sentence. §752.192
II. **Suspension** via the Point System-Not more than **1 year** §257.320(4)

Mandatory Term of License

Withdrawal Action:

I. The court does not have to make a recommendation that an
offender's license be suspended. However, if it does, it appears that the
suspension period is mandatory. §752.192
II. **Suspension** via the Point System-None

Other:

⁸Felonious driving is defined as operating a motor vehicle "carelessly and heedlessly in wilful and wanton disregard of the rights or safety or other, or without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property and thereby injuring so as to cripple any person, but not causing death." §752.191

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Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Suspension:

A person's CDL is suspended if, while driving a CMV, they either (1) commit 2 "serious traffic violations"¹⁰ within a 36 month period or (2) commit 3 such violations within a 36 months period. §257.319b(1)(a) & (b)

Period of Suspension:

2 serious violations (within 36 months)-60 days 3 serious violations (within 36 months)-120 days §257.319b(1)(a) & (b)

Period of Mandatory Suspension:

2 serious violations (within 36 months)-60 days 3 serious violations (within 36 months)-120 days §257.319b(1)(a) & (b)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 10,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §480.11a(1)(c)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or careless driving. §257.319b(2)(b) & (b)

JURISDICTION:

MINNESOTA

General Reference:

This chapter summarizes Minnesota State statutes related to speed.
Minnesota Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions. §169.14, subs. 1 & 3

Statutory Speed Limit:
See Other below.

A speed in excess of the following limits is *prima facie* evidence that such a speed is not reasonable and prudent. §169.14, subd. 2

- 1) 65 MPH on highways during the daytime¹ §169.14, subd. 2(a)(2)
- 2) 55 MPH on highways during the nighttime² §169.14, subd. 2(a)(3)
- 3) 30 MPH in an urban district §169.14, subd. 2(a)(1)
- 4) 25 MPH on residential roadways³ §169.14, subd. 2(a)(5)
- 5) 10 MPH in alleys §169.14, subd. 2(a)(4)
- 6) 10 to 30 MPH in manufactured home parks⁴ §327.27, subs. 2 & 2a
- 7) 10 MPH in recreational camping areas §327.27, subd. 2

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Commissioner of Transportation may increase or decrease the above maximum speed limits. Any speed in excess of these posted limits is *prima facie* evidence that the speed was not reasonable or prudent. §169.14, subs. 4 & 5 Note: Minnesota law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

II. If the commissioner establishes a speed limit of >30 MPH for a highway within an urban district, the local government may reduce such limit for quarter-mile segments to 30 MPH. §169.14, subs. 5b

III. Based on engineering and traffic investigations, a local government may establish speed limits in school zones.⁵ The speed limit in such zone cannot be <15 MPH nor >20 MPH below the established speed limit where such speed limit is normally ≥40 MPH. §169.14, subd. 5a

IV. Based on engineering and traffic investigations, a local government may establish a speed limit different than above for any alley. §169.14, subd. 5c

¹"Daytime" is defined as a half hour before sunrise to a half hour after sunset. §169.14, subd. 2(c)

²"Nighttime" is defined as either any other time than "daytime" or when weather conditions prevent "sufficient light to render clearly discernible persons or vehicles at a distance of 500 feet." §169.14, subd. 2(c)

³If such a speed limit is adopted by the authority having jurisdiction over such roadway. §169.14, subd. 2(a)(5) & (b)

⁴The speed limit in a manufactured home park is 10 MPH. §327.27, subd. 2 However, via local ordinance this limit may be increased to not >30 MPH. §327.27, subd. 2a

⁵If the school speed zone is on trunk highway, the local government must obtain the consent of State Commissioner of Transportation before such zone is established. §169.14, subd. 5a

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Basis for a Speed Law Violation: (continued)

V. The State Commissioner of Transportation on trunk highways and local governments on streets and roads under their jurisdiction may establish temporary speed limits in work zones. §169.14, subd. 5d(a) The minimum speed limit in these zones is 20 MPH. However, the speed in such zone shall neither be < 15 MPH below the normal speed limit nor > 40 MPH. §169.14, subd. 5d(b)

VI. Based on engineering and traffic investigations, the governmental authority over a park may establish speed limits therein.⁶ §169.14, subd. 5e The speed limit cannot be < 20 MPH or reduce the normal speed limit by > 15 MPH. §169.14, subd. 5e

VII. Based on investigations, the State Commissioner of Transportation may establish a safe maximum speed for bridges or elevated structures. §169.16

Minimum Speed Limit:

A person shall not operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §169.15

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Commissioner of Transportation may establish minimum speed limits on any part of a trunk highway. §169.14, subd. 8

Other:

I. A person is prohibit from operating a vehicle, which is pulling another with chains and tow bars, > 35 MPH. §168.055

II. A person shall not tow a farm trailer having gross vehicle weight > 6,000 lbs. > 25 MPH. §169.145(2)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

I. Except as Noted, Speed Law Violations are Petty Misdemeanors. §169.89, subd. 1

II. A 3rd or Subsequent Speed Law Violation (Within 12 months) is a Misdemeanor. §169.89, subd. 1

Other:

I. It is a Misdemeanor for a person to operate a vehicle, which is pulling another with chains and tow bars, > 35 MPH. §168.056

II. It is a Misdemeanor to violate the established speed limits in manufactured home parks or recreational camping areas. §§144.99, subds. 1 & 11 and 327.27, subds. 2 & 2a

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Petty Misdemeanor Offense-None §169.89, subd. 2

Misdemeanor Offense-Not more than 90 days §609.03(3)

⁶If the park is on trunk highway, the local government must obtain the consent of State Commissioner of Transportation before such zone is established. §169.14, subd. 5e

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term:	None
Fine:	<u>Petty Misdemeanor Offense</u> -Not more than \$200 §169.89, subd. 2 <u>Misdemeanor Offense</u> -Not more than \$700 §609.03(3)
Amount (\$ Range):	None
Mandatory Min. Fine (\$):	
Other Penalties:	
Traffic School:	In addition to or in lieu of other sanctions, the court may require a person to attend a driver improvement clinic. §169.89, subd. 5
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension ⁷ §§171.16, subs. 1 & 2 and 171.18, subd. 1(2) & (4) <u>3</u> <u>or subsequent offense</u> (within 12 months)- Revocation ⁸ §171.17, subd. 1(6)
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension. The law providing for court recommend suspensions does not state either minimum or maximum suspension periods. §171.16, subs. 1 & 2 However, statutory provisions providing for such action via independent licensing agency action provide that a person's license is not to be suspended for more than 1 year . §171.18, subd. 3(d) Revocation. Note: The law does not provide for a maximum revocation period.
Mandatory Minimum Term of Withdrawal:	None Note: In circumstances where an offender's license has been revoked, they may obtain limited driving privileges for employment, educational or medical needs and for other purposes connected with their family's well being. §171.30, subd. 1
Miscellaneous Sanctions Not Included Elsewhere:	I. A person, who violates the "work zone speed limit," is assessed an additional surcharge which is equal to the fine but not <\$25. §1169.14, subd. 5d(d) II. An assessment of 20% of the fine is imposed. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment of ≥\$25 but ≤\$50. §609.101, subd. 1(a) and (b)(1) & (2)

⁷I. The court, at its discretion, may recommend that the licensing agency suspend an offender's license. Upon such recommendation, the licensing agency suspends the person's license without a hearing. §171.16, subd. 2. II. The licensing agency on its own initiative, can suspend an offender's license if (1) the violation contributed to an accident that result in death, personal injury or property damage or (2) the offender is an habitual violator of the traffic laws. §171.18, subd. 1(2) & (4)

⁸The law provides for license revocation for the commission of 3 or violations of Chapter 169 (e.g., speeding, reckless driving or careless driving violations) within a 12 month period. §171.17, subd. 1(6)

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Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere: (continued)

III. An assessment of 15% of the fine is imposed for the purpose of funding the Police Officers Training Account. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment $\geq \$5$ but $\leq \$10$ for a petty misdemeanor or $\geq \$25$ but $\leq \$50$ for either a misdemeanor, gross misdemeanor or felony. §626.861, subd. 1

Other Criminal Actions Related to Speeding:

Reckless or Careless Driving⁹:

Sanction:

Misdemeanor §169.13, subds. 1 & 2

Criminal:

Imprisonment (Term):

Not more than **90 days** §609.03(3)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than **\$700** §609.03(3)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension⁷ §§171.16, subds. 1 & 2 and 171.18, subd. 1(2) & (4) 3
or subsequent offense (within 12 months)-Revocation^f §171.17, subd. 1(6)

Length of Term of License

Withdrawal Action:

Suspension. The law providing for court recommend suspensions does not state either minimum or maximum suspension periods. §171.16, subds. 1 & 2 However, statutory provisions providing for such action via independent licensing agency action provide that a person's license is not to be suspended for more than 1 year. §171.18, subd. 3(d)

Revocation. Note: The law does not provide for a maximum revocation period.

Mandatory Term of License

Withdrawal Action:

None Note: In circumstances where an offender's license has been revoked, they may obtain limited driving privileges for employment, educational or medical needs and for other purposes connected with their family's well being. §171.30, subd. 1

Other:

I. In addition to or in lieu of other sanctions, the court may require a person to attend a driver improvement clinic. §169.89, subd. 5

⁹**Reckless Driving.** "Reckless driving" is defined as operating a motor vehicle "as to indicate either a wilful or a wanton disregard for the safety of persons or property." §169.12, sub. 1 **Careless Driving.** "Careless driving" is defined as operating a motor vehicle "carelessly or heedlessly in disregard of the rights of others, or in a manner that endangers or is likely to endanger any property or any person, including the driver or passengers of the vehicle." §169.13, subd. 2 Both offenses are misdemeanors. §169.13, subds. 1 & 2

Other Criminal Actions Related to Speeding:
(continued)

Reckless or Careless Driving: (continued)
Other: (continued)

II. An assessment of 20% of the fine is imposed. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment of ≥\$25 but ≤\$50. §609.101, subd. 1(a) and (b)(1) & (2)

III. An assessment of 15% of the fine is imposed for the purpose of funding the Police Officers Training Account. However, if the court does not impose a fine sanction, it must, nevertheless, impose an assessment ≥\$5 but ≤\$10 for a petty misdemeanor or ≥\$25 but ≤\$50 for either a misdemeanor, gross misdemeanor or felony. §626.861, subd. 1

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §171.165, subd. 4

Period of Disqualification:

2 serious violations (within 3 years)-60 days 3 serious violations (within 3 years)-120 days §171.165, subd. 4

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-60 days 3 serious violations (within 3 years)-120 days §171.165, subd. 4

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,000 lbs., is a bus or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §171.01, subds. 22 & 26

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless or careless driving. §171.165, subd. 4

MINNESOTA

SPEED LAWS

JURISDICTION:

MISSISSIPPI

General Reference:

This chapter summarizes Mississippi State statutes related to speed.
Mississippi Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

See Careless Driving.

Statutory Speed Limit:
See Other below.

70 MPH for private passenger vehicles or passenger buses on Interstate highways or on U.S. designated highways with 4 or more lanes. §63-3-501 (¶3)
65 MPH for private passenger vehicles or passenger buses on other highways. §63-3-501 (¶2)
60 MPH for trucks or truck-trailers on highways with 4 or more lanes §63-3-501 (¶1)
55 MPH for trucks or truck-trailers on other highways §63-3-501 (¶1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Highway Commission may decrease the above maximum speed limits. §63-3-503 (¶1) Note: Except as noted under Other below, Mississippi law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigations, local governments may decrease the maximum speed limits on streets or highways under their jurisdictions. However, no posted speed limit shall be < 15 MPH §63-3-511 (¶1)
III. Based on engineering and traffic investigations, local governments may adopt speed limits on limited portions of highways that are near schools or churches. The local government may provided that these special limits shall only be in effect during certain days or times. §63-3-515

Minimum Speed Limit:

Posted (Minimum) Speed Limit:

30 MPH on Federal designated highway when no hazard exists §63-3-509(1)
40 MPH on Interstate highways on 4 lane U.S. designated highways which have a posted maximum speed limit of 70 MPH §63-3-509(2)

Other:

I. A school bus shall not be operated at a speed >45 MPH while transporting children to and from school on regular routes. However, such bus may be operated at not >50 MPH on authorized school trips. §37-41-47
II. During inclement weather or when visibility is bad, a truck or truck-trailer cannot be operated >45 MPH. §63-3-505
III. The State Highway Commission may establish safe maximum speed limits for bridges or elevated structures. §63-3-513

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:
Other:

All Speed Law Violations are Misdemeanors. §§37-41-47& 63-9-11(1)

MISSISSIPPI

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

**Term (Day, Month, Years,
Etc.):**

1st offense-Not more than **10 days** 2nd offense within 1 year-Not more than **20 days** Subsequent offense within 1 year-Not more than **6 months** §63-9-11(2)

Special Note: If the offender only exceeded the posted speed limit (§63-3-503 (¶1)) but did not exceed the maximum speed limit (§63-3-501), the incarceration term is only **half** of that noted above. §63-3-503 (¶3)

Operating a School Bus in Excess of either 45 or 50 MPH-None §37-41-47

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

1st offense-Not more than **\$100** 2nd offense within 1 year-Not more than **\$200** Subsequent offense within 1 year-Not more than **\$500** §63-9-11(2)

Special Note: If the offender only exceeded the posted speed limit (§63-3-503 (¶1)) but did not exceed the maximum speed limit (§63-3-501), the fine is only **half** of the amount noted above. §63-3-503 (¶3)

Operating a School Bus in Excess of either 45 or 50 MPH-\$25 to \$100 §37-41-47

None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Term of License Withdrawal

(Days, Months, Years, etc.):

Suspension¹ §63-1-53(2)(d)

Note: The law does not specify either a minimum or maximum suspension period.

Mandatory Minimum Term of

Withdrawal:

None

Miscellaneous Sanctions

Not Included Elsewhere:

I. For speed law violations in Title 63, there is, in addition to any fine, a mandatory State assessment of **\$23**. §99-19-73(1) & (3)

II. For other misdemeanor offenses, there is a mandatory State assessment of **\$47**. §99-19-73(5) & (7)

¹The licensing agency has the discretionary authority to suspend a person's license if they have "been convicted with such frequency of serious offenses against traffic regulations governing the movement of traffic as to indicate a disrespect for traffic laws and a disregard for the safety of other persons on the highways." §63-1-51(2)(d)

Other Criminal Actions Related to Speeding:

<u>Reckless Driving:</u>	Misdemeanor §§63-3-1201 & 63-9-11(1)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-None</u> <u>Subsequent offense-Not more than 10 days</u> §63-3-1201
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$5 to \$100</u> <u>Subsequent offense-Not more than \$500</u> §63-3-1201
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>Suspension</u> ² §63-1-53(2)(c) <u>3 or more offenses</u> within 12 months- <u>Revocation</u> §63-1-51(1)(e)
Length of Term of License Withdrawal Action:	<u>Suspension</u> -Note: The law does not specify either a minimum or maximum suspension period. <u>Revocation-1 year</u> §63-1-51(1)
Mandatory Term of License Withdrawal Action:	<u>Suspension-None</u> <u>Revocation-1 year</u> §63-1-51(1) The revocation action appears to be mandatory.
Other:	In addition to any fine, there is a <u>mandatory</u> State assessment of \$23. §99-19-73(1) & (7)
<u>Careless Driving:</u>	Misdemeanor ³ §§63-3-1213 & 63-9-11(1)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$5 to \$50
Mandatory Minimum Fine:	
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>Suspension</u> ² §63-1-53(2)(c)
Length of Term of License Withdrawal Action:	Note: The law does not specify either a minimum or maximum suspension period.

²The licensing agency has the discretionary authority to suspend a person's license if they have are "an habitually or negligent" driver. §63-1-51(2)(c)

³"Careless driving" is defined as operating "any vehicle in a careless or imprudent manner, without due regard for the width, grade, curves, corner, traffic and use of the streets and highways and all other attendant circumstances." §63-3-1213

MISSISSIPPI

Other Criminal Actions Related to Speeding:
(continued)

Mandatory Term of License
Withdrawal Action:

None

Other:

In addition to any fine, there is a mandatory State assessment of \$23.
§99-19-73(1) & (7)

Commercial Motor Vehicle (CMV) Operators⁴:

Grounds for Suspension of CDL:

A person's CDL is suspended if while driving a CMV they either (1) commit 2 "serious traffic violations"⁵ within a 3 year period or (2) commit 3 such violations within a 3 year period. §63-1-83(4)

Period of CDL Suspension:

2 serious violations (within 3 years)-60 days 3 serious violations
(within 3 years)-120 days §63-1-83(4)

Period of Mandatory CDL Suspension:

2 serious violations (within 3 years)-60 days 3 serious violations
(within 3 years)-120 days §63-1-83(4)

⁴A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §63-1-75(f)

⁵A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §63-1-75(t)

JURISDICTION:

MISSOURI

General Reference:

This chapter summarizes Missouri State statutes related to speed.
Vernon's Annotated Missouri Statutes

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a motor vehicle in a careful and prudent manner and at a rate of speed so as not to endanger the property of another or the life or limb of any person and shall exercise the highest degree of care. §304.010.1

**Statutory Speed Limit:
See Other below.**

70 MPH on rural interstate¹ and freeways² §304.010.2(1)
65 MPH on rural expressways³ §304.010.2(2)
65 MPH on urban interstate highways⁴, expressways and freeways.
§304.010.2(3)
60 MPH on other roads, except State 2 lane "lettered" roads, not located in an urban area. §304.010.2(4)
55 MPH on State 2 lane "lettered" roads §304.010.2(5)

Posted (Maximum) Speed Limit:

I. The State may increase the maximum speed limit to 60 MPH on State 2 lane "lettered" roads. §304.010.2(5) See the Note in II below.
II. Local governments with the approval of the State may establish speed limits on the streets or roads within their jurisdiction. §302.010.4 & .5 Note: Except as noted under Other below, Missouri law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
III. Under separate authority, cities, towns and villages have the authority to enact ordinances which regulate traffic. This includes regulating speed. §§77.520 & 79.410
IV. The State may increase or decrease the maximum speed limits on and State road (e.g., interstate highways, freeways or expressways) not under a local jurisdiction. However, no speed limit shall be established >70 MPH. §304.010.3

Minimum Speed Limit:

No person shall operate a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §304.011.1

¹A "rural interstate" is defined as a Federal interstate highway not located in an urban area. §304.010.1(3) An "urban area" is defined as an area with a population density of $\geq 1,000$ persons per square mile. §304.010.1(4)

²A "freeway" is defined as a limited access divided highway with at least 4 lanes and which is not part of the Federal interstate system; such highway must be at least 10 miles in length with no access from other streets or roads for 10 miles intervals. §304.010.1(2)

³An "expressway" is defined as a divided highway with 4 or more lanes which is not part of the Federal interstate system. Such highway must be at least 10 miles long and is fully accessible from other streets or roads. §304.010.1(1) A "rural expressway" is one located in non urban areas. An "urban area" is defined as an area with a population density of $\geq 1,000$ persons per square mile. §304.010.1(4)

⁴An interstate highway located in an urban area. An "urban area" is defined as an area with a population density of $\geq 1,000$ persons per square mile. §304.010.1(4)

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Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: 40 MPH on Federal interstate highways⁵ §304.011.2

Other: Except as otherwise provide by law, a truck weighing >24,000 lbs. shall not be driven >60 MPH. §304.010.2

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: I. Driving \leq 5 MPH Over the Speed Limit is an Infraction. §304.009.1

II. Driving \geq 20 MPH Over the Speed Limit is a Class B Misdemeanor. §304.010.10

III. A Violation of the Basic Speed Rule is a Class B Misdemeanor. §304.012.2

IV. A Violation of the Basic Speed Rule which results in an accident is a Class A Misdemeanor. §304.012.2

V. Driving so as to Impede Traffic is a Misdemeanor.⁶ §§304.11.1 & 304.570.1

VI. All Other Speed Law Violations, including driving <40 MPH on a Federal Interstate, are Class C Misdemeanors. §§304.010.10 & 304.011.2

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:
Term (Day, Month, Years, Etc.):

Mandatory Minimum Term:
Fine:
Amount (\$ Range):

Mandatory Min. Fine (\$):

I. Infraction-None

II. Class A Misdemeanor-Not more than **1 year** §558.011.1(5)

III. Class B Misdemeanor-Not more than **6 months** §558.011.1(6)

IV. Class C Misdemeanor-Not more than **15 days** §558.011.1(7)

V. Unclassified Traffic Regulation Misdemeanor-Not more than **1 year** §304.570

None

I. Infraction-Not more than **\$200** §560.016.1(4)

II. Class A Misdemeanor-Not more than **\$1,000** §560.016.1(1)

III. Class B Misdemeanor-Not more than **\$500** §560.016.1(2)

IV. Class C Misdemeanor-Not more than **\$300** §560.016.1(3)

V. Unclassified Traffic Regulation Misdemeanor-**\$5 to \$500** §304.570

None

⁵There is an exception for certain agricultural type vehicles being operated on such highways for short distances. §304.011.2(2)

⁶Under §304.011.1, this offense is declared to be misdemeanor without classification. As a result, the general penalty provisions of the Traffic Regulations apply. §304.570 Note: It would appear, from the General Sentencing Provisions of the law, that this offense would be considered a Class A Misdemeanor. §577.021.3(2)(a)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Other Penalties: Traffic School: Other:</p>	<p>Additional Fine. If a person violates §302.010 of the speed laws while in a construction (or work) zone, they are assessed an additional fine of \$35. §304.580</p>
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>Suspension or Revocation under the Point System⁷ §§302.302 & 302.304</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>30 days to 1 year⁸ §302.304</p>
<p>Mandatory Minimum Term of Withdrawal:</p>	<p>None Note: An offender is eligible for hardship driving privileges.⁹ §302.309.3(1)</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	

Other Criminal Actions Related to Speeding:

<p><u>Racing on Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term): Mandatory Minimum Term: Fine (\$ Range): Mandatory Minimum Fine:</p>	
<p>Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal:</p>	

⁷**Point System.** I. An offender's license is subject to suspension if they accumulate 8 points in 18 months. §302.304.3 If this is the offender's 1st suspension, the suspension period is 30 days. If this is the offender's 2nd suspension, the suspension period is 60 days. And, if this is the offender's 3rd or subsequent suspension, the suspension period is 90 days. §302.304.4 II. An offender's license is subject to revocation if they accumulate either 12 points within 12 months, 18 points within 24 months or 24 points within 36 months. The period of revocation is 2 years. §302.304.7 III. The following points are assigned to speeding and speed related violations: Speeding in violation of State law-3 points; speeding in violation of local government law-2 points; and, other speed related violations-2 points. §302.302.1(1)& (2) However, no points are assessed for driving ≤5 MPH over the speed limit. §304.009.1

⁸Under most circumstances, a license cannot be either suspended or revoked for more than 1 year. §302.190

⁹Hardship driving privileges may be granted for employment, occupational, business and educational purposes and for medical treatment including drug and alcohol treatment programs. §302.309.3(2)

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Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)
Mandatory Action--Minimum
Length of License
Withdrawal:

Other:

Reckless Driving:

See Basic Speed Rule.

Sanction:
Criminal:
Imprisonment (Term):
Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):
Mandatory Minimum Fine:

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):
Length of Term of License
Withdrawal Action:
Mandatory Term of License
Withdrawal Action:

Other:

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §302.755.5

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §302.755.5

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §302.755.5

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §302.700.2(6)

¹¹A "serious traffic violation" includes careless, reckless, imprudent driving and other violations of the speed laws. §302.700.2(24)

JURISDICTION:

MONTANA

General Reference:

This chapter summarizes Montana State statutes related to speed. Montana Code Annotated and Administrative Rules of Montana

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall operate a vehicle in a careful and prudent manner and at a rate of speed no greater than is reasonable and proper under the conditions existing at the point of operation, taking into account the amount and character of traffic, conditions of brakes, weight of vehicle, grade and width of highway, condition of surface, and freedom of obstruction to the view ahead.¹ §61-8-303(1)

**Statutory Speed Limit:
See Other below.**

The law provides for NO MAXIMUM SPEED LIMIT on interstate and other major non-urban highways during the daytime.² §§61-8-303(1) & 61-8-305(4) However, a reasonable or safe speed limit may be established via §61-8-309(1); see I under Posted (Maximum) Speed Limit.

65 MPH on interstate highways during the nighttime³ §61-8-303(2)(c)
55 MPH on other highways during the nighttime³ §61-8-303(2)(c)

35 MPH on highways under construction, repair or survey §61-8-303(2)(b)

25 MPH in urban districts §61-8-303(2)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may establish reasonable or safe speed limits, which are different than those noted above, on the highways under its jurisdiction. §61-8-309(1) Note: Except as noted under Other below, Montana law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

II. Based on engineering and traffic investigations, the State may establish safe maximum speed limits for bridges or other elevated structures. §61-8-313(2) & (3)

III. Based on traffic conditions and the type of project, the State may post a different speed limit, other than 35 MPH, on highways under construction, repair or survey. §61-8-303(2)(b)

IV. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed limits on highways under its jurisdiction.⁴ §61-8-310(1)

¹Like the provisions on Careless Driving, §61-8-302, the Basic Speed Law also provides that a person shall operate a motor vehicle "so as not to unduly or unreasonably endanger the life, limb, property, or other rights of a person entitled to the use of the street or highway." See the last sentence of §61-8-303(1).

²"Daytime" is defined as one-half hour before sunrise to one-half hour after sunset. §61-8-303(3)

³"Nighttime" is defined as any other hour except daytime. §61-8-303(3)

⁴I. However, the following limits apply. (1) The posted speed limit in an urban district cannot be >55 MPH during the nighttime. §61-8-310(1)(b) (2) The posted speed limit outside an urban district cannot be <15 MPH. Note: On a county road, a local government may set speed limit on such roads outside an urban district without an engineering and traffic investigation. §61-8-310(1)(c) & (2) II. Also, based on engineering and traffic investigations, a local government may establish speed zones near schools or senior citizen centers

MONTANA

Basis for a Speed Law Violation:
(continued)

Posted (Maximum) Speed Limit: (continued)	V. Apparently under separate authority, a local government, without an investigation, may determine the proper speed for all arterial streets under its jurisdiction. Such limit may be less or greater than the maximum speed limit provided for an urban district (§61-8-303). §61-8-310(3)
Minimum Speed Limit:	A motor vehicle may not be driven at a speed slow enough to impede or block the normal and reasonable movement of traffic. §61-8-311(1)
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State or a local government may establish a minimum posted speed limit for all or part of a highway. §61-8-311(3)
Other:	I. During the daytime, a truck or truck tractor weighing >8,000 lbs. cannot be driven >65 MPH on interstate highways or >60 MPH on primary and secondary highways. During the nighttime, such vehicles must abide by the speed limit of automobiles. §61-8-312(1) II. Special permit vehicles cannot be driven >55 MPH. §61-8-312(2) III. A housetrailer cannot be towed >50 MPH. §61-8-312(4) IV. A vehicle with solid rubber or cushion tires cannot be driven >10 MPH. §61-8-313(1)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Misdemeanors. §61-8-711(1)
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	<u>1st or subsequent offense-None</u> §61-8-711(2)
Mandatory Minimum Term:	
Fine:	
Amount (\$ Range):	<u>1st offense-\$10 to \$100 2nd offense (within 1 year)-\$25 to \$200</u> <u>Subsequent offense (within 1 year)-\$50 to \$500</u> §61-8-711(2)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	Driver Improvement Program §61-2-302 & Administrative Rules of Montana 23.3.203
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via Point System ⁵ -Frequent violator of the traffic laws.
Type of Licensing Action (Susp/Rev): (continued)	Revocation via the Habitual Traffic Law Offender Point System. ⁶ §61-11-201 et seq.
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension-6 months Administrative Rules of Montana 23.3.203(2) Note: The law limits a suspension to a maximum period of 1 year . §61-5-208(1) Revocation (Habitual Offender)- 3 years §§61-11-211 & 61-11-212
Mandatory Minimum Term of Withdrawal:	Suspension-None Licensing action is discretionary Revocation (Habitual Offender)- 1 year ⁷
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Unauthorized Speed Contest:</u>	Misdemeanor §§61-8-308, 61-8-711(1) & 61-8-717
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 months §61-8-717
Mandatory Minimum Term:	None
Fine (\$ Range):	\$50 to \$500 §61-8-717
Mandatory Minimum Fine:	None

⁵**Driver Rehabilitation Point System.** I. If an offender accumulates 6 points within 18 months, they may be required to attend a counseling session or be subject to license re-examination. II. If an offender accumulates 15 or more points within 36 months, they are subject to a 6 month license suspension and must be referred to a Driver Rehabilitation Program. III. The following points are assigned to speeding and speed related violations: Engaging in race or speed contest (i.e., unauthorized speed contest)-5 points; driving recklessly-5 points; speeding in a restricted speed zone-3 points; speeding in an urban district-3 points; speeding in a construction-3 points; speeding >65 MPH at night on an interstate-3 points; speeding >55 MPH at night on other highways-3 points; driving certain trucks >55 MPH at night, >60 MPH at other times or >65 MPH on interstate highways-3 points; violating posted (restricted) speed limits established by either the State or local governments including a violation of the posted speed limit on bridges or elevated structures-3 points; towing a house trailer >50 MPH-3 points; obstructing traffic by driving under the minimum reasonable speed (after being warned)-2 points; violating the basic speed rule-2 points; and, careless driving-2 points. §61-5-206(1)(b), Administrative Rules of Montana 23.3.202(1) & (2) and 23.3.203

⁶**Habitual Offender Point System.** If a person accumulates 30 points within a 3 year period, they are subject to a 3 year license revocation. The following points are assigned to speeding and speed related offenses. Reckless driving-5 points; illegal drag race or engaging in a speed contest (i.e., unauthorized speed contest)-5 points; speeding-3 points; and, all other violations-2 points. §61-11-203(2)(h), (i), (l) & (m)

⁷An offender may be issued restricted driving privileges after 1 year of the revocation period provided they participate in a driver rehabilitation program. §61-2-302(2)(a)(ii)

MONTANA

Other Criminal Actions Related to Speeding:
(continued)

Unauthorized Speed Contest: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Same Administrative Licensing Actions as for Speeding Violations.

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving⁸:

Misdemeanor §§61-8-301 & 61-8-711(1)

Sanction:

Criminal:

Imprisonment (Term):

1st offense-Not more than 90 days Subsequent offense-10 days to 6 months §61-8-715(1)

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

1st offense-\$25 to \$300 Subsequent offense-\$50 to \$500 §61-8-715(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation-Same Administrative Licensing Actions under the points systems as for Speeding Violations. **Revocation**-3 reckless driving convictions within 12 months §61-5-205(6)

Length of Term of License

Withdrawal Action:

Suspension or Revocation-Not more than 1 year §61-5-208

Mandatory Term of License

Withdrawal Action:

Other:

Careless Driving⁹:

Misdemeanor §§61-8-302, 61-8-711(1) & 61-8-716

Sanction:

Criminal:

Imprisonment (Term):

1st or subsequent offense-None §61-8-711(2)

Mandatory Minimum Term

of Imprisonment:

⁸If the offender commits a reckless driving offense while fleeing law enforcement officers, the following sanctions apply. For a 1st offense there is imprisonment from 10 days to 6 months and/or a fine from \$300 to \$500; and, for a subsequent offense there is imprisonment from 30 days to 1 year and/or a fine of from \$500 to \$1,000 §61-8-715(2)

⁹A person commits a "careless driving" offense if they do not operate a motor vehicle "in a careful and prudent manner so as not to unduly or unreasonable endanger the life, limb, property, or other rights of a persons entitled to the use of the street or highway." §61-8-302

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Fine (\$ Range):

1st offense-\$10 to \$100 2nd offense (within 1 year)-\$25 to \$200

Subsequent offense (within 1 year)-\$50 to \$500 §61-8-711(2)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Same Administrative Licensing Actions as for Speeding Violations.

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Suspension:

A CDL license is suspended CMV if while driving a CMV a person either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §61-8-803

Period of Suspension:

2 serious violations (within 3 years)-60 days 3 serious violations (within 3 years)-120 days §61-8-803(1) & (2)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-60 days 3 serious violations (within 3 years)-120 days §61-8-803(1) & (2)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to carry more than 15 more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §61-1-134

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §61-8-803 & 49 CFR §383.5

MONTANA

SPEED LAWS

JURISDICTION:

NEBRASKA

General Reference:

This chapter summarizes Nebraska State statutes related to speed.
Revised Statutes of Nebraska

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not operate a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §60-6,185

**Statutory Speed Limit:
See Other below.**

75 MPH on State freeways¹ and Federal interstate highways² §60-6,186(1)(g)
65 MPH on a State expressway³ §60-6,186(1)(f)
60 MPH on other State highways §60-6,186(1)(e)(II)
55 MPH upon any dustless-surfaced highway not part of the State highway system §60-6,186(1)(d)
50 MPH upon a non dustless-surfaced highway not part of the State highway system §60-6,186(1)(c)
25 MPH in a residential district §60-6,186(1)(a)
20 MPH in a business district §60-6,186(1)(b)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State or local governments may increase or decrease the maximum statutory speed limits.⁴ However, the State cannot increase the maximum statutory speed limits on rural highways and freeways. And, on county highways that are not part of the State highway system, a local government cannot establish a speed limit < 35 MPH outside either a residential or business district. §§60-6,186(2) and 60-6,190(1) & (3)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §60-6,193(1), (2) & (6)
II. On a freeway, no motor vehicle can be operated < 40 MPH.⁵ §60-6,193(2)

Posted (Minimum) Speed Limit:

The State or a local government by establish minimum posted speed limits for a highway. §60-6,193(3)

¹A "freeway" is defined as "an expressway with full control of access." §39-1302(17)

²**Exceptions.** The maximum speed limit on these highways is 60 MPH in Douglas County, Interstate 180 in Lancaster County and Interstate 129 in Dakota County. §60-6,186(1)(g)(I) & (II)

³An "expressway" is defined as "a divided arterial highway for through traffic with full or partial control of access which may have grade separations at intersections." §39-1302(13)

⁴**Historical Note:** The State legislature repealed the provisions that allowed the State to provided for different speed limits at specified times of the day, for certain weather conditions, for various types of vehicles, and for other factors concerned with safe speeds. §10 of Legislative Bill 901 enacted in 1996

⁵Either the State or a local government may alter this minimum speed limit on a freeway. §60-6,193(2)

NEBRASKA

Basis for a Speed Law Violation: (continued)

- Other:
- I. In maintenance, repair or construction zones, the speed limit is 35 MPH in rural areas and 25 MPH in urban ones. However, the speed in such zones may be increased but not greater than the maximum limit provide by law. §60-6,188(1) & (3)
 - II. Based upon an investigation, either the State or a local government may establish safe maximum speed limits for bridges, causeways, viaducts or other elevated structures. §60-6,189
 - III. A vehicle towing a mobile home shall not be driven >50 MPH. §60-6,187(1)
 - IV. A school bus carrying children is subject to special speed limitations.⁶ §60-6,187(2)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Infractions (Civil Offenses). §§60-672, 60-682 & 60-682.01
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
 - Term (Day, Month, Years, Etc.): None
 - Mandatory Minimum Term:
 - Fine:
 - Amount (\$ Range): Exceeding the Speed Limit: (1) 1 to 5 MPH Over the Speed Limit-\$10 (2) 6 to 10 MPH Over the Speed Limit-\$25 (3) 11 to 15 MPH Over the Speed Limit-\$75 (4) 16 to 20 MPH Over the Speed Limit-\$125 (5) > 21 MPH Over the Speed Limit-\$200 (6) These fines are **doubled** if the offense occurred in a construction zone. §60-682.01
Other Violations: 1st offense-Not more than \$100 2nd offense (within 1 year)-Not more than \$200 Subsequent offense (within 1 year)-Not more than \$300 §60-689
 - Mandatory Min. Fine (\$): None
- Other Penalties:
- Traffic School: The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691
 - Other:

⁶I. Such a vehicle shall not be driven > 55 MPH on State highways. However, this limit does not apply on freeways (except during the nighttime), dustless-surfaced highways or State highways designed by the State for speed limits of 75 MPH. §60-6,187(2)(a) II. Such a vehicle shall not be driven > 45 MPH during the daytime or > 40 MPH during the nighttime on non dustless surfaced highways that are not part of the State highway system. §60-6,187(2)(b) & (c)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:	
Type of Licensing Action (Susp/Rev):	Revocation via a Point System ⁷ §§60-499, 60-4,182 & 60-4,183
Term of License Withdrawal (Days, Months, Years, etc.):	Revocation via a Point System- 6 months §§60-499, 60-4,182 & 60-4,183
Mandatory Minimum Term of Withdrawal:	Revocation via a Point System- None A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01
Miscellaneous Sanctions Not Included Elsewhere:	Suspension via Court Order- 10 days to 1 year ⁸ Note: This action is discretionary not mandatory. §60-496

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Class II Misdemeanor §60-6,195(1) & (3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 6 months §28-106(1)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$1,000 §28-106(1)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Possible Revocation via a Point System ⁷ -§§60-499, 60-4,182 & 60-4,183 Note: There is no specific point assignment for the offense of racing on the highways. However, the law does provide an assignment of 1 point for all other moving violations. This could include such offense.
Length of Term of Licensing Withdrawal:	Revocation via a Point System- 6 months §§60-499, 60-4,182 & 60-4,183

⁷**Point System.** I. If an offender accumulates 12 points within 2 years, their license is revoked for 6 months and they must attend a driver education and training course for at least 8 hours. If the offense involved incarceration, the license revocation begins after the offender is released from such confinement. §60-4,183 II. The following points have been assigned to speeding and speed related violations: Willful reckless driving-6 points; reckless driving-5 points; careless driving-4 points; speeding ≤5 MPH over the speed limit-1 point; speeding > 5 MPH but < 10 MPH over the speed limit-2 points; and, speeding > 10 MPH over the speed limit-3 points. However, on highways with maximum speed limits of either 60, 65 or 75 MPH, the following points have been assigned for speeding violations: For exceeding the speed limit by < 10 MPH-1 point; for exceeding the speed limit by > 10 MPH but < 15 MPH-2 points; and, for exceeding the speed limit by > 15 MPH-3 points. §60-6,182

⁸The court is authorized to take such action only if the offense involved driving in such a manner as to endanger life, limb or property. *State v. Mann*, 246 N.W.2d 604 (Neb. 1976)

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Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Mandatory Action--Minimum

Length of License

Withdrawal:

Revocation via a Point System--None A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01

Other:

I. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691

II. **Suspension via Court Order--10 days to 1 year⁸** Note: This action is discretionary not mandatory. §60-496

Willful Reckless Driving⁹:

Class I, II or III Misdemeanor §§60-6,214, 60-6,216, 60-6,217 & 60-6,218

Sanction:

Criminal:

Imprisonment (Term):

1st offense (Class III Misdemeanor)-Not more than **3 months** 2nd offense (Class II Misdemeanor)-Not more than **6 months** Subsequent offense (Class I Misdemeanor)-Not more than **1 year** §28-106(1)

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

None

1st offense (Class III Misdemeanor)-Not more than **\$500** 2nd offense (Class II Misdemeanor)-Not more than **\$1,000** Subsequent offense (Class I Misdemeanor)-Not more than **\$1,000** §28-106(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

1st or subsequent offense--Revocation §§60-6,216, 60-6,217 & 60-6,218

Length of Term of License

Withdrawal Action:

1st offense--30 days to 1 year §60-6,216 2nd offense--60 days to 2 years §60-6,217 Subsequent offense--1 year §60-6,218

Mandatory Term of License

Withdrawal Action:

1st offense--30 days §60-6,216 2nd offense--60 days §60-6,217 Subsequent offense--1 year §60-6,218 The minimum period of revocation are mandatory.¹⁰ §60-498(7)

Other:

I. License revocation periods are not to run concurrently with periods of incarceration. §§60-6,216, 60-6,217 & 60-6,218

II. For 2nd offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217(12)

⁹"Willful reckless driving" is defined as operating a motor vehicle "in such a manner as to indicate a willful disregard for the safety of persons or property." §60-6,214

¹⁰An employment driving permit is not available. §60-4,129

Other Criminal Actions Related to Speeding:
(continued)

Willful Reckless Driving: (continued)

III. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691

IV. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

Reckless Driving:

Class I, II or III Misdemeanor §§60-6,213, 60-6,215, 60-6,217 & 60-6,218

Sanction:

Criminal:

Imprisonment (Term):

1st offense (Class III Misdemeanor)-Not more than **3 months** 2nd offense (Class II Misdemeanor)-Not more than **6 months** Subsequent offense (Class I Misdemeanor)-Not more than **1 year** §28-106(1)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range):

1st offense (Class III Misdemeanor)-Not more than **\$500** 2nd offense (Class II Misdemeanor)-Not more than **\$1,000** Subsequent offense (Class I Misdemeanor)-Not more than **\$1,000** §28-106(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

1st offense-Revocation via the Point System? §§60-499, 60-4,182 & 60-4,183 2nd or subsequent offense-Revocation §§60-6,217 & 60-6,218

Length of Term of License

Withdrawal Action:

1st offense-Revocation via a Point System-**6 months** §§60-499, 60-4,182 & 60-4,183 2nd offense-60 days to 2 years §60-6,217 Subsequent offense-1 year §60-6,218

Mandatory Term of License

Withdrawal Action:

1st offense-Revocation via a Point System-None A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01 2nd offense-60 days §60-6,217 Subsequent offense-1 year §60-6,218 For 2nd or subsequent offenses, the minimum period of revocation appears to be mandatory.

Other:

I. For 2nd or subsequent offenses, the license revocation periods are not to run concurrently with periods of incarceration. §§60-6,217 & 60-6,218

II. For 2nd offenses, the vehicle used in the offense, if owned by the offender, must be impounded from **2 months to 1 year**. §60-6,217(¶2)

III. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691

IV. **Suspension** via Court Order where there has been danger to life, limb or property-**10 days to 1 year** Note: This action is discretionary not mandatory. §60-496

NEBRASKA

Other Criminal Actions Related to Speeding:
(continued)

<u>Careless Driving</u> ¹¹ :	Traffic Infraction (Civil Offense) §60-672, 60-682 & 60-6,212
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	<u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>Subsequent offense</u> (within 1 year)-Not more than \$300 §60-689
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation via a Point System ⁷ -§§60-499, 60-4,182 & 60-4,183
Length of Term of License Withdrawal Action:	Revocation via a Point System-6 months §§60-499, 60-4,182 & 60-4,183
Mandatory Term of License Withdrawal Action:	Revocation via a Point System-None A person is eligible for either employment or medical hardship driving privileges. §§60-4,129, 60-4,130 & 60-4,130.01
Other:	I. The court may require a person, who has been convicted of a moving violation, to attend a driver improvement school. §60-691 II. Suspension via Court Order where there has been danger to life, limb or property- 10 days to 1 year Note: This action is discretionary not mandatory. §60-496

Commercial Motor Vehicle (CMV) Operators¹²:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §60-4,168(4)
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¹¹"Careless driving" is defined as operating a motor vehicle "carelessly or without due caution so as to endanger a person or property." §60-6,212

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either and is a heavy vehicle with varying weight capacities (e.g., Class A Combination Vehicles 26,000 lbs. with towed vehicles weighing > 10,000 lbs., Class B Heavy Single Vehicles weighing >26,001 lbs. and Class C Small Single Vehicles weighing < 26,001 lbs.), is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §60-4,138(2)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §60-4,168(6) & (b)

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §60-4,168(4)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §60-4,168(4)

NEBRASKA

JURISDICTION:

NEVADA

General Reference:

This chapter summarizes Nevada State statutes related to speed.
Nevada Revised Statutes and Nevada Administrative Code (NAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle greater than is reasonable or proper, having due regard for the traffic, surface and width of the highway, the weather and other highway conditions. §484.361(1)

**Statutory Speed Limit:
See Other below.**

75 MPH on highways constructed and maintained by the State
§484.368
15 MPH¹ in a school zone or 25 MPH in school crossing zone²
§484.366(1) & (2)

Posted (Maximum) Speed Limit:

I. The State may adopt lower the speed limits on highways constructed and maintained by it including such highways in unincorporated towns. Such authority includes the establishment of lower speed limits (1) "where necessary to protect public health and safety" or (2) "for trucks, overweight and oversized vehicles, trailer drawn by motor vehicles and buses." §§484.367(2) & 484.368
II. After appropriate studies, the State may establish special speed zones on a highway where a hazard exists. §484.369(1)
III. After an appropriate investigation, the State may establish the maximum safe speed limits for bridges and elevated structures. §484.375(2)
IV. Except for State constructed and maintained highways, local governments may establish speed limits within its limits and unincorporated towns within its jurisdiction. §§269.185 & 484.367(1)

Minimum Speed Limit:

A person shall not operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §484.371(1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish a minimum speed for a highway or a part thereof. §484.371(2)

Other:

I. A person shall not drive a motor vehicle at such a rate of speed so as to endanger the life, limb or property of any person. §484.361(2)
II. A person shall not drive a school bus at speed >55 MPH while transporting students to and from school or while on a school activity. §484.365
III. A person shall not drive a vehicle equipped with solid rubber tires or cushion tires > 10 MPH. §484.375(1)

Adjudication of Speed Law Violations:

**Civil/Criminal Adjudication of Violation:
Other:**

All Speed Law Violations are Misdemeanors. §§193.170 & 484.251(1)

¹This 15 MPH speed limit is not to be imposed if it would result in unsafe conditions because of higher speed limits on adjoining streets. §484.366(3)

²The speed limits in these zones only apply (1) on a day when the school is in session during and (2) one-half hour before to one-half hour after school operations. §484.366(1) & (2)

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Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **6 months** §193.150(1)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$1,000** §193.150(1)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

I. A person, who has been convicted of a 2nd offense, may be ordered by the court to attend a driver training school. §484.251(2)

II. The licensing agency can also require a person, who has had their license suspended via the point system, to attend a driver's training school. §483.477

Other:

Licensing Action:

Type of Licensing Action
(Susp/Rev):

I. **Suspension** via a Point System³ §§483.473 & 483.475 and NAC 483.500 & 483.510

II. **Suspension-6** offenses within 5 years with a point value of ≥ 4 §483.475(4)

Term of License Withdrawal
(Days, Months, Years, etc.):

I. **Suspension** via Point System-**6 months to 1 year** §483.475(3)

II. **Suspension-1 year** for 6 offenses within 5 years with a point value of ≥ 4 §483.475(4)

Mandatory Minimum Term of
Withdrawal:

I. **Suspension** via Point System. Under certain conditions, an offender is eligible for restricted driving privileges for employment, and other necessities is available.⁴ §483.490

II. **Suspension-1 year mandatory** for 6 offenses within 5 years with a point value of ≥ 4 I.e., a restricted license is not available. §483.475(4)

³**Point System.** I. If a person, who for the first time, accumulates 12 points within 12 months, their license is suspended for 6 months. If within 3 years, a person has a second accumulation of 12 points within 12 months, their license is suspended for 1 year. Likewise, if within 5 years, a person has a third accumulation of 12 points within 12 months, their license is suspended for 1 year. §483.475(3) II. The following points have been assigned to speeding or speed related violations: Reckless driving-8 points; speeding in school zone ≥ 16 MPH over the limit-6 points; speeding in school zone ≥ 1 but < 15 MPH over the limit-4 points; speeding ≥ 21 MPH over the posed speed limit-4 points; speeding ≥ 15 MPH over the speed limit in a vehicle used for commercial purposes-4 points; speeding ≥ 16 MPH but ≤ 20 MPH over the speed limit-3 points; speeding ≥ 11 MPH but < 15 MPH over the speed limit-2 points; excessive speeding for the conditions-2 points; and, speeding ≥ 1 MPH but ≤ 10 MPH over the speed limit-1 point. NAC 483.510

⁴For a suspension based either on a first of second accumulation of 12 points within 12 months, an offender is eligible for restricted driving privileges. §483.475(3)(a) & (b) However, such privileges are not available for a third such accumulation. §483.475(3)(c)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Alternative to Imprisonment or Fine. The court may order an offender to participate in community service in lieu of all or part of an imprisonment or fine sanctions. §193.150(2)

Other Criminal Actions Related to Speeding:

Reckless Driving (Speed Contest on Highway)⁵:
Sanctions:
Criminal Sanction:
Imprisonment (Term):
Mandatory Minimum Term:
Fine (\$ Range):
Mandatory Minimum Fine:

Misdemeanor §§484.251(1) & 484.377

Not more than **6 months** §193.150
None
Not more than **\$1,000** §193.150
None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

I. **Suspension** via a Point System³ §§483.473 & 483.475 and NAC 483.500 & 483.510
II. **Suspension-6** offenses within 5 years with a point value of ≥4 §483.475(4)
III. **Revocation-3** Reckless Driving Convictions within 1 year §483.460(1)(b)(4)

Length of Term of
Licensing Withdrawal:

I. **Suspension** via Point System-**6 months to 1 year** §483.475(3)
II. **Suspension-1 year** for 6 offenses within 5 years with a point value of ≥4 §483.475(4)
III. **Revocation-3** Reckless Driving Convictions within 1 year-**1 year** §483.460(1)(b)(4)

Mandatory Action--Minimum
Length of License
Withdrawal:

I. **Suspension** via Point System. Under certain conditions, an offender is eligible for restricted driving privileges for employment, and other necessities is available.⁴ §483.490
II. **Suspension-1 year mandatory** for 6 offenses within 5 years with a point value of ≥4 I.e., a restricted license is not available. §483.475(4)
III. **Revocation-3** Reckless Driving Convictions within 1 year-**None** §483.460(1)(b)(4) This revocation does not appear to be mandatory. A restricted license for employment, and other necessities is available. §483.490

Other:

The licensing agency can require a person, who has had their license suspended via the point system, to attend a driver's training school. §483.477

⁵A person commits the offense of "reckless driving" if they either (1) "drive in willful or wanton disregard of the safety persons or property" (the standard the reckless driving offense) or (2) "drive a vehicle in an unauthorized speed contest on a public highway." §484.377(1)(a) & (b)

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving (Speed Contest on Highway)
(continued)
Other: (continued)

Death or Injury Related Offense. Reckless driving is a Category B Felony if it involved willful or wanton disregard of the safety of persons or property that resulted in either death or substantial bodily injury. The criminal sanctions for this offense are either imprisonment for **from 1 to 6 years** and/or a fine of not more than **\$5,000**. §484.377(2) In addition, a persons license is revoked for **3 years**. §483.460(1)(a)(1) This revocation does not appear to be mandatory. A restricted license for employment, and other necessities is available. §483.490

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §483.908, NAC 706.247(1) & 49 CFR §383.51(c)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §483.908, NAC 706.247(1) & 49 CFR §383.51(c)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §483.908, NAC 706.247(1) & 49 CFR §383.51(c)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 10,001$ lbs., is designed to transport 15 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. NAC 706.247(f)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §483.908, NAC 706.247(1) & 49 CFR §383.5

JURISDICTION:

NEW HAMPSHIRE

General Reference:

This chapter summarizes New Hampshire State statutes related to speed. New Hampshire Revised Statutes Annotated and New Hampshire Code of Administrative Rules (NHCAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §265:60, I

Statutory Speed Limit:
See Other below.

Operating a motor vehicle above the following speed limits is considered *prima facie* evidence that such speed is unreasonable. §265:60, II

- 1) 65 MPH on the interstate system and other highways designated via statute¹ §265:60, II(e)
- 2) 55 MPH on other highways §265:60, II(d)
- 3) 35 MPH in rural residential districts and class V highways outside the compact part of a city or town §265:60, II(c)
- 4) 30 MPH in a business or urban residential district §265:60, II(b)
- 5) 10 MPH below the normal posted speed limit in a school zone² §265:60, II(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Commissioner of Transportation may increase or decrease the *prima facie* limit on the State highway system or on highways outside the compact area of a city or town.³ §265:62, I

II. Based on a petition and an engineering and traffic investigation, a local government, the State Commissioner of Transportation may decrease the *prima facie* speed limit on the State highway system within the compact area of a city or town. However, such reduced limit cannot be < 25 MPH. §265:62, IV

III. Based on engineering and traffic investigations, a local government may increase or decrease *prima facie* speed limits within their jurisdictions.⁴ §265:63, I & II

IV. Based on engineering and traffic investigations, the State Commissioner of Transportation may establish safe maximum speed limits for bridges and other elevated structures. §265:66, III & IV

Minimum Speed Limit:

A person shall not drive a vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §265:64, I

¹I.e., on those portions of the central and eastern New Hampshire turnpikes which are 4 lane divide highways and on other divided highways that have 4 or more lanes. §265:60, II(e)

²This limit is in effect from 45 minutes before until 45 minutes after school hours. §265:60, II(a)

³The State Commissioner of Transportation upon a determination by the governor and council, may establish temporary *prima facie* speed limits for the purpose of conserving fuel or for other national goals. §265:62, II Note: New Hampshire law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

⁴However, the following limitations apply. A speed limit in an urban district cannot be increased to more than 60 MPH. Either outside an urban district or within a business or residential district, a speed cannot be decrease to less than 25 MPH. §265:63, I

NEW HAMPSHIRE

Basis for a Speed Law Violation: (continued)

Posted (Minimum) Speed Limit: Based on engineering and traffic investigations, the State Commissioner of Transportation may declare a minimum *prima facie* speed limit on a highway. §265:64, II

Other: I. A person shall not drive a vehicle that is towing a house trailer >45 MPH. §265:66, I
II. A person shall not drive a vehicle that is equipped with solid rubber or cushion tires > 10 MPH. §265.66, II

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Offenses are Violations.⁵ §§265:2 & 625:9, II(b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:
Term (Day, Month, Years, Etc.): None

Mandatory Minimum Term:

Fine:
Amount (\$ Range): Not more than \$1,000 §651:2, IV(a)
Mandatory Min. Fine (\$): None

Other Penalties:

Traffic School: An offender may be required to attend a Driver Attitude Training program. §263:56-e

Other:

Licensing Action:
Type of Licensing Action
(Susp/Rev): I. Suspension via Court Order §263:57
II. Suspension via a Point System⁶ §263:56, I(c) & III
III. Revocation for 3 traffic offenses within 1 year §§263:55 & 263:56

⁵A violation is not classified as a crime. §625:9, II(b)

⁶Point System. I. A person ≥21 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 12 points within 1 year, 18 points within 2 years or 24 points within 3 years. A person ≥ 18 but <21 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 9 points within 1 year, 15 points within 2 years or 21 points within 3 years. And, a person ≤ 18 years old is subject to either a 3 month, 6 month or 1 year suspension if they respectively accumulate either 6 points within 1 year, 12 points within 2 years or 18 points within 3 years. NHCAR Saf-C 211.02 II. The following points have been assigned for speeding or speed related violations: Racing on the highway or reckless driving-6 points; exceeding the speed limit by ≥25 MPH-4 points; and, exceeding the speed limit by <25 MPH-3 points. NHCAR Saf-C 211.03(c)(16), (d)(5), (e)(14) & (15)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action: (continued)
Term of License Withdrawal
(Days, Months, Years, etc.):

- I. **Suspension** via Court Order-Not more than **30 days** §263:57
- II. **Suspension** via a Point System-Not more than **1 year** §263:56, I(c) & III
- III. **Revocation** for 3 traffic offenses within 1 year-**30 days to 1 year** §§263:55 & 263:56, III

Mandatory Minimum Term of
Withdrawal:

- I. **Suspension** via Court Order-None Action is discretionary with the court. §263:57
- II. **Suspension** via a Point System-Suspensions occurring under this system appear to be mandatory.⁶ §263:56, I(c) & III and NHCAR Saf-C 211.04(b)
- III. **Revocation** for 3 traffic offenses within 1 year-**30 days** §§263:55 This licensing action appears to be mandatory.

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Violation §265:75

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$1,000** §651:2, IV(a)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

The administrative licensing actions listed for speeding violations also apply to this offense.

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

An offender may be required to attend a Driver Attitude Training program. §263:56-e

Reckless Driving:

Violation §265:79

Sanction:

Criminal:

None

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

NEW HAMPSHIRE

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Fine (\$ Range):

\$250 to \$500 §265:79

Mandatory Minimum Fine:

\$250 §265:79 The minimum amount appears to be mandatory.

Administrative Licensing Actions:

Type of Licensing Action

Revocation⁷ §§263:65 & 265:79

(Susp/Rev):

Length of Term of License

1st offense-60 days 2nd offense-60 days to 1 year §265:79

Withdrawal Action:

Mandatory Term of License

1st or 2nd offense-60 days §263:70 This licensing action appears to be mandatory.

Withdrawal Action:

Other:

An offender may be required to attend a Driver Attitude Training program. §263:56-e

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §263:94, I(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** **3 serious violations** (within 3 years)-Not less than **120 days** §263:94, I(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** **3 serious violations** (within 3 years)-**120 days** §263:94, I(e)

⁷The administrative licensing actions listed for speeding violations also appear to apply to this offense.

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §259:12-e, I

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §259:98-a, I & II

JURISDICTION:

NEW JERSEY

General Reference:

This chapter summarizes New Jersey State statutes related to speed. New Jersey Statutes Annotated and New Jersey Administrative Code (NJAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a vehicle at an appropriate reduced rate of speed when special hazard exist with respect to pedestrians or other traffic or by reason of weather or highway condition.¹ §39:4-98 (¶3)

**Statutory Speed Limit:
See Other below.**

It is *prima facie* unlawful for a person to exceed the following speed limits. §39:4-99
1) 55 MPH on highways §39:4-98 (¶1)
2) 35 MPH in suburban business or residential district §39:4-98 (¶1)
3) 25 MPH in a (non-suburban) business or residential district §39:4-98 (¶1)

Posted (Maximum) Speed Limit:

Based on engineering and traffic investigations, the State Commissioner of Transportation on State highways or local governments on highways under their jurisdiction, may increase or decrease the above maximum limits. These new limits will be the *prima facie* lawful speed limits. §39:4-98 (¶2)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §39:4-97.1

Posted (Minimum) Speed Limit:

Other:

I. The State Commissioner of Transportation may restrict the maximum speed for trucks weighing ≥ 10,000 lbs. on highways with maximum speed limits ≥ 50 MPH. However, such reduced limit can only be 5 MPH below the normal speed limit. §39:4-98.1
II. A person shall not operate a motor vehicle > 4 MPH across a sidewalk. §39:4-100

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Petty Offenses. *State v. Schreiber*, 585 A.2d 945 (N.J. 1991)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

**Term (Day, Month, Years,
Etc.):**

Not more than 15 days §39:4-104

Mandatory Minimum Term:

None

¹Required reduced rates of speed also includes (1) approaching and crossing an intersection or railway grade crossing, (2) approaching and going around a curve, (3) approaching a hill crease and (4) traveling upon any narrow or winding roadway. §39:4-98 (¶3)

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Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Fine:	
Amount (\$ Range):	\$50 to \$200 §39:4-104
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	Driver Improvement Program §§39:5-30.2 & 39:5-30.9 and NJAC §13:19-10.2(b)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ² §39:5-30.5 et seq.
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension via a Point System- 30 to 180 days §39:5-30.8 If a person has had 3 suspensions within 3 year, discretionary suspension for up to 3 months. §39:5-30b
Mandatory Minimum Term of Withdrawal:	None Note: Attendance at a Driver Improvement Program may be used in lieu of all or part of a suspension. §39:5-30.2 & NJAC §13:19-10.2(b)
Miscellaneous Sanctions Not Included Elsewhere:	A persons's license may also be suspended or revoked under general provisions of the law which allow the driver licensing agency to take such action when a person has violated the traffic laws. §§39:5-30 & 39:5-31

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Petty Offense §39:4-52 & <i>State v. Schreiber</i> , 585 A.2d 945 (N.J. 1991) or Disorderly Person Offense §39:5C-1
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Petty Offense: None §39:4-52 Disorderly Person Offense: <u>1st offense-None</u> <u>Subsequent offense-Not more than 90 days</u> §39:5C-1
Mandatory Minimum Term:	None
Fine (\$ Range):	Petty and Disorderly Person Offenses: <u>1st offense-\$25 to \$100</u> <u>Subsequent offense-\$100 to \$200</u> §§39:4-52 & 39:5C-1

²**Point System.** I. For the indicated point accumulations in a period of 2 years or less, the following suspension periods apply: 12 to 15 points-30 days suspension; 16 to 18 points-60 days suspension; 19 to 21 points-90 days suspension; 22 to 24 points-120 days suspension; 25 to 27 points-150 days suspension; and ≥28 points-180 days suspension. For the indicated point accumulations in a period greater than 2 years, the following suspension periods apply: 15 to 18 points-30 days suspension; 19 to 22 points-60 days suspension; 23 to 26 points-90 days suspension; 27 to 30 points-120 days suspension; 31 to 35 points-150 days suspension; and ≥36 points-180 days suspension. §39:5-30.8 & NJAC §13:19-10.2(a) II. The following points have been assigned to speeding and speed related violations: Racing on highway-5 points; reckless driving-5 points; careless driving-3 points; slow speed blocking traffic-2 points; exceeding speed limit ≥ 1 but ≤ 14 MPH-2 points; exceeding speed limit ≥ 15 but ≤ 29 MPH-4 points; and, exceeding speed limit ≥ 30-5 points. NJAC §13:19-10.1

Other Criminal Actions Related to Speeding:
(continued)

<u>Racing on Highway:</u> (continued)	
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via a Point System ² §39:5-30.5 et seq.
Length of Term of Licensing Withdrawal:	Suspension via a Point System- 30 to 180 days §39:5-30.8 If a person has had 3 suspensions within 3 year, discretionary suspension for up to 3 months. §39:5-30b
Mandatory Action--Minimum Length of License Withdrawal:	None Note: Attendance at a Driver Improvement Program may be used in lieu of all or part of a suspension. §39:5-30.2 & NJAC §13:19-10.2(b)
Other:	A persons's license may also be suspended or revoked under general provisions of the law which allow the driver licensing agency to take such action when a person has violated the traffic laws. §§39:5-30 & 39:5-31
<u>Reckless Driving:</u>	Petty Offense §39:4-96 & <i>State v. Schreiber</i> , 585 A.2d 945 (N.J. 1991)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 60 days <u>Subsequent offense</u> -Not more than 3 months §39:4-96
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense</u> - \$50 to \$200 <u>Subsequent offense</u> - \$100 to \$500 §39:4-96
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ² §39:5-30.5 et seq.
Length of Term of License Withdrawal Action:	Suspension via a Point System- 30 to 180 days §39:5-30.8 If a person has had 3 suspensions within 3 year, discretionary suspension for up to 3 months. §39:5-30b
Mandatory Term of License Withdrawal Action:	None Note: Attendance at a Driver Improvement Program may be used in lieu of all or part of a suspension. §39:5-30.2 & NJAC §13:19-10.2(b)
Other:	A persons's license may also be suspended or revoked under general provisions of the law which allow the driver licensing agency to take such action when a person has violated the traffic laws. §§39:5-30 & 39:5-31

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Other Criminal Actions Related to Speeding:
(continued)

<u>Careless Driving</u> ³ :	Petty Offense §39:4-97 & <i>State v. Schreiber</i> , 585 A.2d 945 (N.J. 1991)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 15 days §39:4-104
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	\$50 to \$200 §39:4-104
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ² §39:5-30.5 et seq.
Length of Term of License Withdrawal Action:	Suspension via a Point System-30 to 180 days §39:5-30.8 If a person has had 3 suspensions within 3 year, discretionary suspension for up to 3 months. §39:5-30b
Mandatory Term of License Withdrawal Action:	None Note: Attendance at a Driver Improvement Program may be used in lieu of all or part of a suspension. §39:5-30.2 & NJAC §13:19-10.2(b)
Other:	A license may also be suspended or revoked under general provisions of the law which allow the driver licensing agency to take such action when a person has violated the traffic laws. §§39:5-30 & 39:5-31

Commercial Motor Vehicle (CMV) Operators⁴:

<u>Grounds for Suspension:</u>	A person's privilege for operate a CMV is suspended if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ⁵ within a 3 year period or (2) commit 3 such violations within a 3 year period. §39:3-10.20(f)
<u>Period of Suspension:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)- 120 days §39:3-10.20(f)
<u>Period of Mandatory Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §39:3-10.20(f)

³"Careless driving" is defined as operating "a vehicle carelessly, or without due caution and circumspection; in a manner so as to endanger, or be likely to endanger, a person or property." §39:4-97

⁴A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥ 26,001 lbs., is designed to transport 16 or more persons, is designed to transport > 8 but < 16 persons if used to transport persons for hire on a daily basis to and from places of employment, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §39:3-10.11

⁵A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §39:3-10.11

JURISDICTION:

NEW MEXICO

General Reference:

This chapter summarizes New Mexico State statutes related to speed. New Mexico Statutes Annotated and New Mexico Administrative Code (NMAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

Speed shall be so controlled as to avoid colliding with any person or vehicle which is either on or entering the highway. All persons shall use due care.¹ §66-7-301(B)

Statutory Speed Limit:
See Other below.

75 MPH on highways §66-7-301(A)(3)
35 MPH in business and residential districts §66-7-301(A)(2)
15 MPH in a posted school zone² §66-7-301(A)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Secretary of Highway and Transportation may increase to not > 75 MPH or decrease the above speed limits on any highway within its jurisdiction.³ §66-7-303(A) & (B)
II. Based on engineering and traffic investigations and subject to approval by the State Secretary of Highway and Transportation, a local government, may increase or decrease the above speed limits on any highway within its jurisdiction. §66-7-304
III. Based upon an investigations, the State Highway Commission may establish safe maximum speed limits for bridges and other elevated structures. §66-7-306(B) & (C)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §66-7-305(A)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Highway Commission or a local government may establish minimum speed limits on a highway. §66-7-305(B)

Other:

I. The State or a local government may establish speed limits in construction zones. §66-7-303.1
II. A person shall not operate a motor vehicle that is equipped with solid rubber or cushion tires > 10 MPH. §66-7-306(A)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:
Other:

All Speed Law Violations are Misdemeanors. §66-8-7(A)

¹See Careless Driving.

²This speed limit is in effect when children are going to or leaving a school. §66-7-301(A)(1)

³Note: New Mexico law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

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Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **90 days** §66-8-7(B)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$300** §66-8-7(B)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

In lieu of a court appearance, an offender may elect to pay a **penalty assessment**.⁴ §66-8-116 For a penalty assessment, an offender is assessed additional fees to cover various costs.⁵ §66-8-116.3

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System based on frequent violation of the traffic laws⁶ §66-5-30(A)(3)⁷

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §66-5-32

Mandatory Minimum Term of

Withdrawal:

None Note: An offender is eligible for limited driving privileges for educational or employment purposes. §66-5-35 and Title 18 NMAC 19.5.13

⁴**Penalty Assessments.** The following monetary assessments are assigned for speeding violations: (1) ≤ 10 MPH over the speed limit or minimum speed violation-\$15; ≥ 11 to ≤ 15 MPH over the speed limit-\$30; ≥ 16 to ≤ 20 MPH over the speed limit-\$65; ≥ 21 to ≤ 25 MPH over the speed limit-\$100; ≥ 26 to ≤ 30 MPH over the speed limit-\$125; ≥ 31 to ≤ 35 MPH over the speed limit-\$150; > 35 MPH over the speed limit-\$200. §66-8-116(A)

⁵The following additional fees are assessed: A fee of \$10 to cover local government corrections costs; a fee of \$10 to cover the costs of court automation; a fee of \$3 to fund traffic education and enforcement; and, a fee of \$1 to fund judicial education. §66-8-116.3

⁶**Point System.** I. An offender's license is suspended for not more than 3 months if they accumulate between 7 and 10 points within 1 year. §66-5-30(A)(11) & Title 18 NMAC 19.5.11.5 However, they are subject to a 12 month suspension if they accumulate 12 or more points within 12 consecutive months. Title 18 NMAC 19.5.11.6 II. The following points have been assigned for speeding or speed related violations: Speeding ≥ 26 MPH over the speed limit-8 points; reckless driving-6 points; racing on highway-6 points; speeding 16 to 25 MPH over the speed limit-5 points; speeding 6 to 15 MPH over the speed limit-4 points; and, careless driving-3 points. Title 18 NMAC 19.5.11.3

⁷**Exception.** Except on highways with 75, 35 or 15 MPH speed limits, the licensing agency cannot suspend an offender's license for a speeding violation unless the offender was driving > 75 MPH. §66-7-302.1

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor §66-8-115(A) & (D)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 90 days §66-8-7(B)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$300 §66-8-7(B)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and	
Type of Action:	Suspension via a Points System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving ^e §66-5-30(A)(3) & (4)
Length of Term of	
Licensing Withdrawal:	Not more than 1 year §66-5-32(A)
Mandatory Action--Minimum	
Length of License	
Withdrawal:	None Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35
Other:	
<u>Reckless Driving:</u>	Misdemeanor §§66-8-7(A) & 66-8-113(A)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense-5 to 90 days</u> <u>Subsequent offense-10 days to 6 months</u> §66-8-113(B)
Mandatory Minimum Term	
of Imprisonment:	None
Fine (\$ Range):	<u>1st offense-\$25 to \$100</u> <u>Subsequent offense-\$50 to \$1,000</u> §66-8-113(B)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action	
(Susp/Rev):	Suspension §66-8-113(C) Revocation for 3 offenses within 12 months §66-5-29(A)(7)
Length of Term of License	
Withdrawal Action:	Suspension-Not more than 90 days §66-8-113(C) Revocation for 3 offenses within 12 months- 1 year §66-5-29(B)
Mandatory Term of License	
Withdrawal Action:	None Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Other:

Suspension is also possible via a Points System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving⁶ §66-5-30(A)(3) & (4)

Careless Driving⁸:

Misdemeanor §66-8-114(B)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **90 days** §66-8-7(B)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than **\$300** §66-8-7(B)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System based either on (1) frequent violations of the traffic laws or (2) habitually reckless or negligent driving⁶ §66-5-30(A)(3) & (4)

Length of Term of License

Withdrawal Action:

Not more than **1 year** §66-5-32(A)

Mandatory Term of License

Withdrawal Action:

None Note: An offender is eligible for limited driving privileges for employment purposes. §66-5-35

Other:

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §66-5-68(E)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §66-5-68(E)

⁸The offense of "careless driving" includes operating a vehicle "in a careless, inattentive or imprudent manner, without due regard for the width, grade, curves, corners, traffic, other and road conditions and other attendant circumstances." §66-8-114(B)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §66-1-4.3(K)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §66-5-54(C)

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** §66-5-68(E)

NEW MEXICO

JURISDICTION:

NEW YORK

General Reference:

This chapter summarizes New York State statutes related to speed. McKinney's Consolidated Laws of New York Note: Most citations are to the Vehicle and Traffic Law (V&T Law). New York Code of Rules and Regulations (NYCRR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. V&T Law §1180(a)

**Statutory Speed Limit:
See Other below.**

65 MPH on parts of certain designated highways. V&T Law §1180-a(2)
55 MPH V&T Law §§1180(b) & 1180-a(1)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation (1) on highways under its jurisdiction¹ or (2) on, county or town roads not in cities or villages via a request by a county or town may establish maximum speed limits <55 MPH.² V&T Law §§1620(a) & 1622(1) Note: New York law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Certain State created public authorities and commissions may establish maximum speed limits <55 MPH on highways under their jurisdiction.³ V&T Law §§1180-a(1) & 1630(5)
III. Towns⁴ on roads within their exclusive jurisdiction may establish maximum speed limits <55 MPH.⁵ V&T Law §§1180-a(1) & 1662-a
IV. Cities and villages on roads within their exclusive jurisdiction may establish maximum speed limits <55 MPH.⁶ V&T Law §§1180-a(1) & 1643
V. Other local authorities or school districts may establish speed limits <55 MPH on driveways or parking fields under their jurisdiction. V&T Law §1670(3)

¹This applies to State maintained highways outside of cities with a population > 1 million and on Indian reservations. V&T Law §1620(a)

²Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. V&T Law §1620(a) However, in certain designed areas the speed limit on county or town roads cannot be <30 MPH. V&T Law §1622(2)

³Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. However, there are exceptions. Lower safe speed limits may be established for bridges and elevated structures. A safe speed limit of not <10 MPH may be established in parks. And, a speed limit of not <5 MPH may be established for passage through toll plazas. V&T Law §1630(5)

⁴"Towns" means either suburban towns governed by Town Law Article 3-a or other towns with a population >50,000. V&T Law §1662-a

⁵Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone or certain of designed towns. However, in certain designed areas the speed limit on town roads cannot be <30 MPH. V&T Law §1662-a

⁶Usually, such speed limits cannot be <25 MPH or <15 MPH in a school zone. However, in certain designed areas the speed limit on county or town roads cannot be <30 MPH. V&T Law §1643

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Basis for a Speed Law Violation: (continued)

- Minimum Speed Limit:** No person shall driver a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. V&T Law §1181(a)
- Posted (Minimum) Speed Limit:** The State on highways under its jurisdiction or a city with a population > 1 million may establish minimum safe speed limits. V&T Law §§1181(b), 1620(b) & 1642(a)(5)
- Other:**
- I. The State, or local government may establish maximum safe speed limits on bridges and elevated structures on their respective highways. V&T Law §§1620(c), 1644, 1652 & 1663
 - II. The State or a local government may establish maximum speed limits on restricted highways that are either under construction or reconstruction. Highway Law §104-a & V&T Law §1625(a)(1)
 - III. An agency having control over a street under construction or maintenance may establish a "work area speed limit" with a limit of not < 25 MPH. In addition, the usual speed limit cannot be exceed the work area speed limit by > 20 MPH. V&T Law §1180(f)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation:** All Speed Law Violations are Traffic Infractions. V&T Law §§1180 & 1800(a)
- Other:**

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:**
- Imprisonment:**
Term (Day, Month, Years, Etc.):
- Basic Speed Rule-Not more than 15 days V&T Law §1180(h)(2)
Violating the Minimum Speed Law or Posted Minimum Speed Limit-1st offense-Not more than 15 days 2nd offense (within 18 months)-Not more than 45 days Subsequent offense (within 18 months)-Not more than 90 days V&T Law §1800(b)
Exceeding 55/65 MPH or the Posted Speed Limits-(1) Exceeding speed limit ≤ 10 MPH-None (2) Exceeding speed limit > 10 but < 30 MPH-Not more than 15 days (3) Exceeding the speed limit > 30 MPH-Not more than 30 days V&T Law §1180(h)(1)
Agency Established Construction Zones-(1) Exceeding speed limit ≤ 10 MPH-None (2) Exceeding speed limit > 10 but < 30 MPH-Not more than 30 days (3) Exceeding the speed limit > 30 MPH-Not more than 30 days V&T Law §1180(h)(3)
- Mandatory Minimum Term:** None

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

<p>Fine: Amount (\$ Range):</p>	<p><u>Basic Speed Rule</u>-Not more than \$30 to \$100⁷ V&T Law §1180(h)(2) <u>Violating the Minimum Speed Law or Posted Minimum Speed Limit-1st offense</u>-Not more than \$100 <u>2nd offense</u> (within 18 months)-Not more than \$200 <u>Subsequent offense</u> (within 18 months)-Not more than \$300 V&T Law §1800(b) <u>Exceeding 55/65 MPH or the Posted Speed Limits</u>-(1) Exceeding speed limit ≤ 10 MPH-\$30 to \$100⁷ (2) Exceeding speed limit > 10 but < 30 MPH-\$60 to \$200⁷ (3) Exceeding the speed limit > 30 MPH-\$120 to \$400⁷ V&T Law §1180(h)(1) <u>Agency Established Construction Zones</u>-(1) Exceeding speed limit ≤ 10 MPH-\$60 to \$100⁷ (2) Exceeding speed limit > 10 but < 30 MPH-\$120 to \$200⁷ (3) Exceeding the speed limit > 30 MPH-\$240 to \$400⁷ V&T Law §1180(h)(3)</p>
<p>Mandatory Min. Fine (\$):</p>	<p>None</p>
<p>Other Penalties: Traffic School:</p>	<p>The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3</p>
<p>Other:</p>	
<p>Licensing Action: Type of Licensing Action (Susp/Rev):</p>	<p>Suspension or Revocation-Based Upon Habitual or Persistent Traffic Law Violations (Point System)⁸ V&T Law §510(3)(d) Revocation-Based upon 3 or more offenses, within 18 months, involving <u>exceeding</u> the speed limit V&T Law §510(2)(a)(iv)</p>
<p>Term of License Withdrawal (Days, Months, Years, etc.):</p>	<p>Suspension or Revocation-Based Upon Habitual or Persistent Traffic Law Violations (Point System)-Note: The law does not provide specific suspension or revocation periods.⁹ V&T Law §510(3)(d) Revocation-Based upon 3 or more offenses, within 18 months, involving <u>exceeding</u> the speed limit-At least 6 months V&T Law §510(6)(a)</p>

⁷2nd offense (within 18 months)-The maximum fine that can be imposed is increased by **\$100**. V&T Law §1180(h)(4) Subsequent offense (within 18 months)-The maximum fine that can be imposed is increased by **\$250**. V&T Law §1180(h)(4)

⁸**Point System.** I. An offender may be required to attend a Driver Improvement Clinic if they accumulate 7 to 10 points within 18 months. NYCRR §131.4(b) The licensing agency may take licensing action (suspension or revocation) if the offender has accumulated ≥ 11 points within 18 months or ≥ 9 points resulting from speeding violations within 18 months. NYCRR §131.4(c) II. The following points have been assigned to speeding or speed related violations: Speeding > 40 MPH over the speed limit-11 points; speeding > 30 but ≤ 40 MPH over the speed limit-8 points; speeding > 20 but ≤ 30 MPH over the speed limit-6 points; reckless driving-5 points; speeding > 10 but ≤ 20 MPH over the speed limit-4 points; and, other speeding violations-3 points. NYCRR §131.3(b)

⁹In the case of "permissive" revocations, the law provides that a "new" license cannot be issued for at **30 days**. V&T Law §510(6)(g)

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Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term of
Withdrawal: Suspension or Revocation-Based Upon Habitual or Persistent Traffic
Law Violations (Point System)-None¹⁰ Note: Suspension or
revocation action is "permissive." V&T Law §510(3)(d) **Revocation-**
None¹⁰

Miscellaneous Sanctions
Not Included Elsewhere: The registrations of the vehicles owned by the offender may also be
suspended or revoked. V&T Law §510(2)(a) & (3)

Other Criminal Actions Related to Speeding:

Racing on Highway: Misdemeanor V&T Law §1182(1)
Sanctions:
Criminal Sanction:
Imprisonment (Term): 1st offense-Not more than 30 days V&T Law §1182(1) 2nd offense
(within 12 months)-Not more than 6 months V&T Law §1182(2)
None
Mandatory Minimum Term: 1st offense-\$200 to \$350 V&T Law §1182(1) 2nd offense (within 12
months)-\$350 to \$500 V&T Law §1182(2)
Fine (\$ Range):
Mandatory Minimum Fine: None

Administrative Licensing Action:
Licensing Authorized and
Type of Action: Revocation V&T Law §510(2)(a)(vi) & (vii)
Length of Term of
Licensing Withdrawal: 1st offense-At least 6 months V&T Law §510(2)(a)(vi) & (6)(a) 2nd
offense (within 3 years)-1 year V&T Law §510(2)(a)(vii)

Mandatory Action--Minimum
Length of License
Withdrawal: None¹⁰
Other:
I. The registrations of the vehicles owned by the offender may also be
revoked. V&T Law §510(2)(a)
II. The court may order an offender to attend a Driver Improvement
Clinic. NYCRR §133.3

Reckless Driving: Misdemeanor V&T Law §§1212 & 1801(1)
Sanction:
Criminal:
Imprisonment (Term): 1st offense-Not more than 30 days 2nd offense (within 18 months)-Not
more than 90 days Subsequent offense (within 18 months)-Not more
than 180 days V&T Law §1801(1)
Mandatory Minimum Term
of Imprisonment: None

¹⁰A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. V&T Law §530

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Fine (\$ Range):

1st offense-Not more than \$200 2nd offense (within 18 months)-Not more than \$350 Subsequent offense (within 18 months)-Not more than \$750 V&T Law §1801(1)

Mandatory Minimum Fine:

1st or subsequent offense-\$100 V&T Law §1801(1)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation-Based Upon (1) Dangerous Driving or (2) Habitual or Persistent Traffic Law Violations (Point System)⁸ V&T Law §510(3)(a) & (d)

Length of Term of License

Withdrawal Action:

Note: The law does not provide specific suspension or revocation periods.⁹ V&T Law §510(3)(a) & (d)

Mandatory Term of License

Withdrawal Action:

None¹¹ Note: Suspension or revocation action is "permissive." V&T Law §510(3)(a) & (d)

Other:

I. The registrations of the vehicles owned by the offender may also be suspended or revoked. V&T Law §510(3)
II. The court may order an offender to attend a Driver Improvement Clinic. NYCRR §133.3

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Suspension:

A person's CDL is suspended if while operating a CMV they either (1) commit 2 "serious traffic violations"¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §6-514(e)

Period of Suspension:

2 serious violations (within 3 years)-60 days 3 serious violations (within 3 years)-120 days V&T Law §510-a(3)(a) & (b)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-60 days 3 serious violations (within 3 years)-120 days V&T Law §510-a(3)(a) & (b)

¹¹A "restricted use license" is available if license suspension or revocation is ordered. Such license is issued upon a showing that driving is necessary for employment, business or education. However, a person is not eligible for such privileges if they have been convicted of a prior reckless driving offense within 4 years of the present offense. V&T Law §530(2)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 15 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. V&T Law §501-a(4)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. V&T Law §510-a(4)

NEW YORK

SPEED LAWS

JURISDICTION:

NORTH CAROLINA

General Reference:

This chapter summarizes North Carolina State statutes related to speed.
General Statutes of North Carolina

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §20-141(a)

**Statutory Speed Limit:
See Other below.**

70 MPH on the interstate highway system or other controlled-access highways¹ §20-141(d)(2)
55 MPH on highways outside municipal corporate limits §20-141(b)(2)
35 MPH on highways inside municipal corporate limits §20-141(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Department may increase or decrease the maximum speed limits on State highways under its jurisdiction (e.g., outside the corporate limits of a municipality or unincorporated municipalities). §20-141(d), (f) & (g)
II. Based on engineering and traffic investigations, local governments may increase or decrease the maximum speed limits on streets under their jurisdiction. However, the maximum speed limit on any street cannot be >55 MPH. §20-141(e) & (f)
III. Except for overweight or oversized vehicles requiring special permits to use the highways or when weather or highway conditions require a slower speed, speed limits shall apply uniformly to all types of vehicles. §20-141(l)

Minimum Speed Limit:

No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §20-141(h)

Posted (Minimum) Speed Limit:

I. 40 MPH on interstate and primary highways with a posted speed limit of 55 MPH.² §20-141(c)(1)
II. 45 MPH on interstate and primary highways with a posted speed limit ≥60 MPH.² §20-141(c)(2)
III. Based on engineering and traffic investigations, the State Department of Transportation or a local government may establish a minimum speed limit on the streets and highways under their jurisdiction. §20-141(g)

Other:

I. The Board of Transportation or a local government may establish speed limits in designated school zones. These limits are in effect when school is in session. Such a limit cannot be <20 MPH. §20-141.1
II. The State Department of Transportation may establish safe maximum speed limits for bridges, causeways or viaducts. §20-144

¹The maximum speed limit on these highways is 55 MPH unless an engineering and traffic investigation justifies a higher speed limit. However, any increase in the speed limit cannot be > 70 MPH. §20-141(d)(2)

²This limit does not apply to vehicles that are towing other vehicles. §20-141(c)

NORTH CAROLINA

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: Except as Noted, Speed Law Violations are Infractions (Noncriminal Offenses). §§14-3.1 & 20-176(a)
Other: Excessive Speeding is a Class 2 Misdemeanor.³ §20-141(j1)

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years, Etc.): Infraction-None
Class 2 Misdemeanor-1 to 60 days⁴ §15A-1340.23(c)(2)
Mandatory Minimum Term: None
Fine:
Amount (\$ Range): Infraction-Not more than \$100 §20-176(b)
Class 2 Misdemeanor-Not more than \$1,000 §15A-1340.23(b)
Mandatory Min. Fine (\$): None
Other Penalties:
Traffic School: Driver Improvement Clinic §20-16(e)
Other:
Licensing Action:
Type of Licensing Action (Susp/Rev):
I. Suspension via a Point System⁵ §20-16(a)(5) & (c)
II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH §20-16(a)(9)
III. Suspension for driving >75 MPH on a highway with a posted speed limit of <70 MPH §20-16(a)(10)
IV. Suspension for driving >80 MPH on a highway with a posted speed limit of 70 MPH §20-16(a)(10a)
Term of License Withdrawal (Days, Months, Years, etc.):
I. Suspension via a Point System-Not more than 1 year §20-19(c)
II. Suspension for 2 offenses within 12 months of Speeding >55 but <80 MPH-Not more than 6 months §20-19(a)

³It is a Class 2 Misdemeanor to operate a motor vehicle either (1) > 15 MPH over the posted speed limit or (2) > 80 MPH. §20-141(j1)

⁴The period of incarceration is determined by the number of prior misdemeanor offense convictions. I. For Class 1 Misdemeanors, if the offender has either had no prior or has had no more than 4 prior convictions, the incarceration period is from 1 to 45 days. However, if they have had 5 or more convictions, the incarceration period is from 1 to 120 days. II. For Class 2 Misdemeanors, if the offender has had no prior convictions, the incarceration period is from 1 to 30 days. If they have had up to 4 prior convictions, the incarceration period is from 1 to 45 days. And, if they have had 5 or more prior convictions, the incarceration period is from 1 to 60 days. §15A-1340.23(c)(2)

⁵**Point System.** I. A person's license is subject to suspension if they accumulate 12 points within 3 years. II. The following points have been assigned to speeding or speed related offenses: Reckless driving-4 points; exceeding the posted speed limit of 55 MPH-3 points; exceeding the posted speed limit in a school zone-3 points; and, all other violations-2 points. §20-16(a)(5) & (c)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.): (continued)

III. **Suspension** for driving >75 MPH on a highway with a posted speed limit of <70 MPH-Not more than **12 months** §20-19(b)
IV. **Suspension** for driving >80 MPH on a highway with a posted speed limit of 70 MPH-Not more than **1 year** §20-19(c)

Mandatory Minimum Term of
Withdrawal:

I. **Suspension** via a Point System-None §20-16(a)(5) & (c) Note: Suspension action by the licensing agency appears to be discretionary.
II. **Suspension** for 2 offenses within 12 months of Speeding >55 but <80 MPH-None §20-19(a) Note: Suspension action by the licensing agency is discretionary.
III. **Suspension** for driving >75 MPH on a highway with a posted speed limit of <70 MPH-None Note: Suspension action by the licensing agency is discretionary. §20-19(b)
IV. **Suspension** for driving >80 MPH on a highway with a posted speed limit of 70 MPH-None §20-16(a)(10a) Note: Suspension action by the licensing agency appears to be discretionary.

Miscellaneous Sanctions
Not Included Elsewhere:

Required Suspension for operating a motor vehicle (1) > 15 MPH over the speed limit and also driving >55 MPH or (2) >80 MPH-**30 days**⁶ §20-16.1(a) Note: A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e)

Other Criminal Actions Related to Speeding:

Racing on Highway:

I. Class 1 Misdemeanor-Prearranged Speed Competition on a Highway §20-141.3(a)
II. Class 2 Misdemeanor-Willful Speed Competition (not prearranged) §20-141.3(b)

Sanctions:
Criminal Sanction:
Imprisonment (Term):

I. Prearranged Speed Competition on a Highway-**1 to 120 days**⁴ §15A-1340.23(c)(2)
II. Willful Speed Competition (not prearranged)-**1 to 60 days**⁴ §15A-1340.23(c)(2)

Mandatory Minimum Term:
Fine (\$ Range):

None
I. Prearranged Speed Competition on a Highway-The amount of the fine is discretionary with the court. §15A-1340.23(b)
II. Willful Speed Competition (not prearranged)-Not more than **\$1,000** §15A-1340.23(b)

Mandatory Minimum Fine:

None

⁶A 1st offender may receive restricted driving privileges for either health, education or family welfare purposes. However, for subsequent offenders, this suspension appears to be mandatory. §20-16.1(b)(1)

NORTH CAROLINA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

I. Prearranged Speed Competition on a Highway-Revocation §20-141.3(d)

II. Willful Speed Competition (not prearranged)-Suspension §20-141.3(e)

Length of Term of

Licensing Withdrawal:

I. Prearranged Speed Competition on a Highway-3 years §20-141.3(d)

II. Willful Speed Competition (not prearranged)-Not more than 1 year §20-141.3(e)

Mandatory Action--Minimum

Length of License

Withdrawal:

I. Prearranged Speed Competition on a Highway-18 months⁷ §20-141.3(d)

II. Willful Speed Competition (not prearranged)-None⁸ §20-141.3(e)

Other:

Driver Improvement Clinic §20-16(e)

Reckless Driving⁹:

Class 2 Misdemeanor §20-140(a), (b) & (d)

Sanction:

Criminal:

Imprisonment (Term):

1 to 60 days⁴ §15A-1340.23(c)(2)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than \$1,000 §15A-1340.23(b)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁵ §20-16(a)(5) & (c)

Revocation for 2 reckless driving offenses within 12 months §20-17(a)(6)

Length of Term of License

Withdrawal Action:

Suspension via a Point System-Not more than 1 year §§20-16(a)(5) & (c) and 20-19(c)

Revocation for 2 reckless driving offenses within 12 months-1 year §§20-17(a)(6) & 20-19(f)

⁷A new license may be issued after 18 months if the licensing agency is satisfied that the offender "has been of good behavior." The agency may place such conditions on the new license that it feels are appropriate for the remaining period of the revocation. §20-141.3(d)

⁸These is no mandatory suspension period. Licensing action is discretionary with the licensing agency. §20-141.3(e)

⁹"Reckless driving" includes either (1) driving carelessly and heedlessly in willful or wanton disregard of the rights or safety of others or (2) driving without due caution and circumspection and at a speed or in a manner so as to endanger or be likely to endanger any person or property. §20-140(a) & (b)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving:

Mandatory Term of License

Withdrawal Action:

Suspension via a Point System-None §§20-16(a)(5) & (c) Note: Suspension action by the licensing agency appears to be discretionary. **Revocation** for 2 reckless driving offenses within 12 months-**1 year** §§20-17(a)(6) & 20-19(f)

Other:

I. **Required Suspension** for operating a motor vehicle (1) > 15 MPH over the speed limit and also driving > 55 MPH or (2) > 80 MPH and reckless driving-**60 days** §20-16.1(d) Note: This action appears to be mandatory. Note: A longer license suspension is authorized if other provisions of law so provide. §20-16.1(e)
II. Driver Improvement Clinic §20-16(e)

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §20-17.4(d)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §20-17.4(d)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §20-17.4(d)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §20-4.01(3d)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §20-4.01(41a)

NORTH CAROLINA

SPEED LAWS

JURISDICTION:

NORTH DAKOTA

General Reference:

This chapter summarizes North Dakota State statutes related to speed.
North Dakota Century Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:	No person may drive a vehicle at a speed greater than is reasonable and prudent under the existing conditions having regard to the actual and potential hazards then existing. ¹ §39-09-01
Statutory Speed Limit: See Other below.	55 MPH (88.51 Kilometers Per Hour) on highways §39-09-02(1)(f) 25 MPH (40.23 Kilometers Per Hour) in a business or residential district or a public park §39-09-02(1)(g) 20 MPH (32.19 Kilometers Per Hour) in a school zone ² §39-09-02(1)(b)
Posted (Maximum) Speed Limit:	I. Based on engineering and traffic investigations, the State may increased or decreased the maximum speed limits on the State highway system. ³ The law specifically allows the State to provide for speed limits >55 MPH (>88.51 Kilometers Per Hour). §§39-09-02(1)(g), 39-09-04 & 39-09-07 II. Based on engineering and traffic investigations, a local government may increase (but not >55 MPH/>88.51 Kilometers Per Hour) or decrease the maximum speed limits on the highways under its jurisdiction. §39-09-03
Minimum Speed Limit:	No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §39-09-09(1)
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits for the highways under their jurisdiction. §39-09-09(2)
Other:	I. The law establishes a speed limit of 20 MPH (32.19 Kilometers Per Hour) in certain situations where a driver's view is obstructed. §39-09-01(1)(a), (c) & (d) II. Special speed limits may be established on a State highway such as in a construction zone. §39-09-02(2) III. Based upon safety investigations, the State or a local government may establish safe maximum speed limits for bridges, causeways or viaducts. §39-09-01.1(2) & (3) IV. A person shall not operate a vehicle, that is equipped with solid rubber tires, > 10 MPH (> 16.09 Kilometers Per Hour). §39-09-04.1

¹A violation of this provision is considered "careless driving." §39-09-01

²This speed limit applies when either (1) the school is in recess or (2) children are going to and from school. §39-09-02(1)(b)

³This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §39-09-04

NORTH DAKOTA

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: **Speed Law Violations are Noncriminal Fee Dispositions. §§39-07-06 & 39-06.1-06(1), (3), (4) & (8), 39-06.1-09 and 39-09-02(2)**

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Violating Basic Speed Rule-\$30 §§39-06.1-06(4) & 39-09-01
Violating Posted/Maximum Speed Limits-\$5 to >\$100⁴ §§39-06.1-06(3) & (8) and 39-09-02(2)
Driving a Vehicle Equipped with Solid Rubber Tires >10 MPH (> 16.09 Kilometers Per Hour)-\$20 §§39-06.1-06(2) & 39-06.1-09
Exceeding the Maximum Safe Posted Speed Limit on Bridges, Causeways or Viaducts-\$20 §§39-06.1-06(2) & 39-06.1-09
Driving Too Slowly or Violating Minimum Posted Speed Limit-\$20 §§39-06.1-06(2) & 39-06.1-09

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁵ §39-06.1-10

⁴**I. General Fee Schedule:** 6 to 10 MPH over the speed limit-\$5 plus \$1 for each MPH over 5 MPH; 11 to 15 MPH over the speed limit-\$10 plus \$1 for each MPH over 10 MPH; 16 to 20 MPH over the speed limit-\$15 plus \$2 for each MPH over 15 MPH; 21 to 25 MPH over the speed limit-\$25 plus \$3 for each MPH over 20 MPH; 26 to 35 MPH over the speed limit-\$40 plus \$3 for each MPH over 25 MPH; 36 to 45 MPH over the speed limit-\$70 plus \$3 for each MPH over 35 MPH; and, ≥46 MPH over the speed limit-\$100 plus \$5 for each MPH over 45 MPH. §39-06.1-06(3) **II. Fee Schedule for Exceeding the Speed Limit on a Highway with Posted Speed Limits >55 MPH (88.51 Kilometers Per Hour):** 6 to 10 MPH over the speed limit-\$15 plus \$2 for each MPH over 5 MPH; 11 to 15 MPH over the speed limit-\$25 plus \$3 for each MPH over 10 MPH; 16 to 25 MPH over the speed limit-\$40 plus \$3 for each MPH over 15 MPH; 26 to 35 MPH over the speed limit-\$70 plus \$3 for each MPH over 25 MPH; and, ≥36 MPH over the speed limit-\$100 plus \$5 for each MPH over 35 MPH. §39-06.1-06(8) **III. Fee Schedule for Violating a Specially Posted Speed Limit in a Construction Zone:** These fees apply unless a greater fee is applicable under other provisions of the law. 1 to 10 MPH over the speed limit-\$40; and, > 10 MPH over the speed limit-\$40 plus \$1 for each MPH over 10 MPH. §39-09-02(2)

⁵**Point System. I.** An offender, who accumulates 12 points, is subject to a 7 day license suspension. If they accumulate ≥13 points, their license is suspended for 7 days for each point over 11. §39-06.1-10(2) **II.** The following points have been assigned for speed related violations: Reckless driving-8 points; aggravated reckless driving-12 points; basic speed rule violation-6 points; drag racing-10 points; exhibition driving-3 points; and, failure to use care-2 points. §39-06.1-10(3)(a)(10), (12), (13) & (29) and 39-06.1-10(3)(b)(1) & (2) **II.** Except as noted, the following points have been assigned for exceeding the speed limit: 16 to 20 MPH over the

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.): ≥ 7 days §39-06.1-10(2)
Mandatory Minimum Term of
Withdrawal: Note: Suspensions via the Point System appear to be mandatory.

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Exhibition of Driving and Drag Racing⁶: Noncriminal Fee Disposition §§39-08-03.1 & 39-07-06
Sanctions:
Criminal Sanction: None
Imprisonment (Term):
Mandatory Minimum Term:
Fine (\$ Range): For Drag Racing-\$100 §39-08-03.1(1)
For Exhibition Driving-\$50 §39-08-03.1(1)
Mandatory Minimum Fine: Note: The law is not clear but the above fines may be mandatory.

Administrative Licensing Action:
Licensing Authorized and
Type of Action: Suspension via a Point System⁵ §39-06.1-10
Length of Term of
Licensing Withdrawal: ≥ 7 days §39-06.1-10(2)
Mandatory Action--Minimum
Length of License
Withdrawal: Note: Suspensions via the Point System appear to be mandatory.

Other:

speed limit: 16 to 20 MPH over the speed limit-3 points; 21 to 25 MPH over the speed limit-4 points; 26 to 35 MPH over the speed limit-6 points; 36 to 44 MPH over the speed limit-8 points; and, ≥ 46 MPH over the speed limit-12 points. §39-06.1-10(3)(a)(30) IV. The following points have been assigned for exceeding the speed limit within city limits or noncontrolled access highways: 6 to 10 MPH over the speed limit-1 point; 11 to 15 MPH over the speed limit-2 points; 16 to 20 MPH over the speed limit-3 points; 21 to 25 MPH over the speed limit-4 points; 26 to 35 MPH over the speed limit-6 points; 36 to 45 MPH over the speed limit-8 points; and, ≥ 46 MPH over the speed limit-12 points. §39-06.1-10(3)(a)(31) V. The following points have been assigned for exceeding the speed limit on highways with a speed limit > 55 MPH (88.51 Kilometers Per Hour)-11 to 15 MPH over the speed limit-4 points; 16 to 25 MPH over the speed limit-7 points; 26 to 35 MPH over the speed limit-10 points; and, ≥ 36 MPH over the speed limit-12 points. §39-06.1-10(3)(a)(34)

⁶"Drag racing" is defined as operating either (1) "two or more vehicles from a point side by side by accelerating rapidly in a competition attempt to outdistance the other" or "(2) one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle of vehicles within a certain distance or time limit." §39-08-03.1(2)(a)

"Exhibition driving" is defined as either (1) operating "a vehicle in a manner which disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking" or (2) "operating or executing or attempting one or a series of unnecessarily abrupt turns." §39-08-03.1(2)(b)

NORTH DAKOTA

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Class B Misdemeanor §39-08-03
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 30 days §12.1-32-01(6)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$500 §12.1-32-01(6)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁵ §39-06.1-10
Length of Term of License Withdrawal Action:	≥ 7 days §39-06.1-10(2)
Mandatory Term of License Withdrawal Action:	Note: Suspensions via the Point System appear to be mandatory.
Other:	
<u>Aggravated Reckless Driving⁷:</u>	Class A Misdemeanor §39-08-03
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 year §12.1-32-01(5)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 §12.1-32-01(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁵ §39-06.1-10 or Revocation if there was "serious bodily injury" ⁸ §39-06-31(2)
Length of Term of License Withdrawal Action:	Suspensions via Point System- ≥ 7 days §39-06.1-10(2) Revocation-1 year or for such period as recommend by the court §39-06-31
Mandatory Term of License Withdrawal Action:	Suspensions via the Point System appear to be mandatory. Revocation-1 year or for such period as recommend by the court
Other:	

⁷"Aggravated reckless driving" is reckless driving which "inflicts injury upon the person of another." §39-08-03

⁸"Serious bodily injury" is defined as "bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent loss or impairment of the function of any bodily member or organ." §12.1-01-04(28)

Other Criminal Actions Related to Speeding:
(continued)

<u>Care in Operating Vehicles</u> ⁹ :	Noncriminal Disposition Fee §§39-06.1-06(5) & 39-9-01.1
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	\$10 to \$30 §39-06.1-06(5)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁵ §39-06.1-10
Length of Term of License Withdrawal Action:	≥7 days §39-06.1-10(2)
Mandatory Term of License Withdrawal Action:	Note: Suspensions via the Point System appear to be mandatory.
Other:	

Commercial Motor Vehicle (CMV) Operators¹⁰:

<u>Grounds for Disqualification:</u>	A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations" ¹¹ within a 3 year period or (2) commit 3 such violations within a 3 year period. §39-06.2-10(5)
<u>Period of Disqualification:</u>	<u>2 serious violations</u> (within 3 years)-Not less than 60 days <u>3 serious violations</u> (within 3 years)-Not less than 120 days §39-06.2-10(5)
<u>Period of Mandatory Disqualification:</u>	<u>2 serious violations</u> (within 3 years)- 60 days <u>3 serious violations</u> (within 3 years)- 120 days §39-06.2-10(5)

⁹A person violates this provision if they (1) do not operate a vehicle "in a careful and prudent manner, having due regard to the traffic, surface, and width of the highway and other conditions then existing" or (2) "drive any vehicle upon a highway in a manner to endanger the life, limb, or property of any person." §39-09-01.1

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §39-06.2-02(6)

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §39-06.2-02(21)

NORTH DAKOTA

SPEED LAWS

JURISDICTION:

OHIO

General Reference:

This chapter summarizes Ohio State statutes related to speed.
Ohio Revised Code Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall operate a vehicle at a speed greater or less than is reasonable or proper, having due regard to the traffic, surface, and width of the street or highway and any other conditions. §4511.21(A)

**Statutory Speed Limit:
See Other below.**

65 MPH¹, established prior to October 1, 1995, on certain interstate and State freeways §4511.21(B)(12) and (D)
55 MPH for vehicles weighing >8,000 lbs. empty weight and noncommercial busses on interstate and State freeways §4511.21(B)(10)
55 MPH on other freeways inside and outside of municipal corporations §4511.21(B)(8) & (9) and (D)
55 MPH on highways outside of municipal corporations except certain freeways §4511.21(B)(5) and (D)
50 MPH (*prima facie* speed limit) on controlled-access highways and expressways within municipal corporations §4511.21(B)(4) & (C)
50 MPH (*prima facie* speed limit) on State routes within municipal corporations outside urban districts §4511.21(B)(6) & (C)
35 MPH (*prima facie* speed limit) on State routes and through highways² §4511.21(B)(3) & (C)
25 MPH (*prima facie* speed limit) on municipal corporation streets³ §4511.21(B)(2) & (C)
20 MPH (*prima facie* speed limit) in school zones during recess or when children are going to or leaving school §4511.21(B)(1)(a) & (C)
15 MPH (*prima facie* speed limit) on alleys within a municipal corporation §4511.21(B)(7) & (C)

Posted (Maximum) Speed Limit:

Based on geometric and traffic characteristics studies, the State or local governments⁴ may increase or decrease the maximum speed limit on any highway. The new posted speed limit on such highway is the *prima facie* safe speed for that highway. §4511.21(H), (I) & (J)

Minimum Speed Limit:

No person shall operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §4511.22(A)

Posted (Minimum) Speed Limit:

Based upon engineering and traffic investigations, the State or local government may establish a minimum speed limit on a highway. However, no minimum speed limit shall be <35 MPH or >55 MPH. §4511.22(B)

¹This speed limit only applies to motor vehicles weighing ≤8,000 lbs. empty weight and commercial busses. §4511.21(B)(12)

²This speed limit applies within municipal corporations outside business districts but does not include controlled-access highways and expressways within municipal corporations or highways outside of municipal corporations. §4511.21(B)(3)

³Except on state routes outside business districts, through highways outside business districts and alleys. §4511.21(B)(2)

⁴Local governments must either request or obtain State approval for any speed limit changes on the streets or highways within their jurisdiction. §4511.21(H) & (J)

OHIO

Basis for a Speed Law Violation: (continued)

Other: I. Based upon an investigation, the State may establish safe maximum speed limits for bridges or other elevated structures. §4511.23
II. The owner of a private road or driveway located in a residential area containing ≥ 20 dwelling units may establish a legal posted speed limits on such road or driveway of not < 25 MPH. §4511.21

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Misdemeanors. §4511.99(D)
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:
Imprisonment:
Term (Day, Month, Years, Etc.): 1st offense (Minor Misdemeanor)-None 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **30 days** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **60 days** §§2929.21(A) & (B) and 4511.99(D)
Mandatory Minimum Term: **None**
Fine:
Amount (\$ Range): 1st offense (Minor Misdemeanor)-Not more than **\$100** 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **\$250** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **\$500** §§2929.21(C) & (D) and 4511.99(D)
Mandatory Min. Fine (\$): **None**
Other Penalties:
Traffic School: Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.
Other:
Licensing Action:
Type of Licensing Action (Susp/Rev): **Suspension** via a Point System³ §4507.021(G), (K) & (L)
Term of License Withdrawal (Days, Months, Years, etc.): **6 months** §4507.021(K)
Mandatory Minimum Term of Withdrawal: Suspension via Point System-None The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(¶4)

³**Point System.** I. A person, who accumulates not < 12 points within a 2 year period from the date of the first conviction, is subject to a 6 month license suspension. §4507.021(K) II. The following points have been assigned to speeding and speed related offenses: Street racing-6 points; reckless driving-4 points; general speed limit violation-2 points; 1st violation of exceeding either the 55 or 65 MPH speed limits by driving > 75 MPH-2 points; 2nd violation within 1 year of exceeding either the 55 or 65 MPH speed limits by driving > 75 MPH-1 point for each increment of 5 MPH in excess of the posted speed limit excluding the first 5 MPH over the limit; 3rd violation within 1 year of exceeding either the 55 or 65 MPH speed limits by driving > 75 MPH-2 points for each increment of 5 MPH in excess of the posted speed limit excluding the first 5 MPH over the limit; and, all other moving violations-2 points. §4507.021(G)(9), (10), (12), (13), (14), (15) & (16)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions

Not Included Elsewhere:

I. 1st offense of driving either (1) >35 MPH in a business district of a municipal corporation, (2) >55 MPH on other portions or (3) >35 MPH in a school zone during either recess or when children are going either to or leaving the school-4th Degree Misdemeanor §4511.99(D)(2) See the sanctions for this misdemeanor above.

II. If the appropriate signs are posted in a construction zone that indicate that increase sanctions are in effect, the fines for an offense committed in such zone are doubled the usual amount. §§4511.99(D)(3) & 4511.98

Other Criminal Actions Related to Speeding:

Street Racing^f:

Misdemeanor §§4511.251 & 4511.99(D)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense (Minor Misdemeanor)-None 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **30 days** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **60 days** §§2929.21(A) & (B) and 4511.99(D)

Mandatory Minimum Term:

None

Fine (\$ Range):

1st offense (Minor Misdemeanor)-Not more than **\$100** 2nd offense (within 1 year) (4th Degree Misdemeanor)-Not more than **\$250** Subsequent offense (within 1 year) (3rd Degree Misdemeanor)-Not more than **\$500** §§2929.21(C) & (D) and 4511.99(D)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via a Point System⁵ §4507.021(G), (K) & (L)

Suspension via Court Action §4507.16(A)(4)

Length of Term of

Licensing Withdrawal:

Suspension via Point System-**6 months** §4507.021(K)

Suspension via Court Action-**30 days to 3 years** §4507.16(A)

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension via Point System-None The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(14)

Suspension via Court Action-**30 days** §4507.16(I) Note: A 30 day suspension appears to be mandatory.

Other:

Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.

⁶"Street racing" is defined as "the operation of two or more vehicles from a point side by side at accelerating speeds in a competitive attempt to out-distance each other or the operation of one or more vehicles over a common selected course, from the same point to the same point, wherein timing is made of the participating vehicles involving competitive accelerations or speeds." §4511.251

OHIO

Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving:</u>	Misdemeanor §§4511.20, 4511.201 ⁷ & 4511.99(D)
Sanction:	
Criminal:	
Imprisonment (Term):	<u>1st offense</u> (Minor Misdemeanor)-None <u>2nd offense</u> (within 1 year) (4th Degree Misdemeanor)-Not more than 30 days <u>Subsequent offense</u> (within 1 year) (3rd Degree Misdemeanor)-Not more than 60 days §§2929.21(A) & (B) and 4511.99(D)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	<u>1st offense</u> (Minor Misdemeanor)-Not more than \$100 <u>2nd offense</u> (within 1 year) (4th Degree Misdemeanor)-Not more than \$250 <u>Subsequent offense</u> (within 1 year) (3rd Degree Misdemeanor)-Not more than \$500 §§2929.21(C) & (D) and 4511.99(D)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ⁵ §4507.021(G), (K) & (L)
Length of Term of License Withdrawal Action:	<u>Suspension</u> via Point System- 6 months §4507.021(K)
Mandatory Term of License Withdrawal Action:	<u>Suspension</u> via Point System- None The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(4)
Other:	I. If the appropriate signs are posted in a construction zone that indicate that increase sanctions are in effect, the fines for an offense committed in such zone are doubled the usual amount. §§4511.99(D)(3) & 4511.98 II. Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.
<u>Reasonable Control</u>⁸:	Minor Misdemeanor §§4511.202 & 4511.99(I)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	None
Mandatory Minimum Term:	
Fine (\$ Range):	Not more than \$100 §2929.21(D)
Mandatory Minimum Fine:	
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via a Point System ⁵ §4507.021(G), (K) & (L)
Length of Term of Licensing Withdrawal:	<u>Suspension</u> via Point System- 6 months §4507.021(K)

⁷This section applies to the reckless operation of a vehicle on any public or private property other than streets or highways.

⁸"No person shall operate a motor vehicle.... without being in reasonable control of the vehicle...." §4511.202

Other Criminal Actions Related to Speeding:
(continued)

Reasonable Control: (continued)
Mandatory Action--Minimum
Length of License
Withdrawal:

Suspension via Point System-None The offender may be placed on probation with conditions in lieu of suspension. §4507.021(N)(14)

Other:

Remedial Driving Instruction §4507.022 Note: This course must be completed before driving privileges can be restored.

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §4506.16(B)(5) & (6)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §4506.16(B)(5) & (6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §4506.16(B)(5) & (6)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §4506.01(E)

¹⁰A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §4506.01(V) & 49 CFR §383.5

OHIO

SPEED LAWS

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JURISDICTION:

OKLAHOMA

General Reference:

This chapter summarizes Oklahoma State statutes related to speed. Oklahoma Statutes Annotated and Oklahoma Administrative Code (OAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall drive a vehicle at a careful and prudent speed not greater than nor less than is reasonable and proper, having due regard to the traffic, surface and width of the highway and any other conditions then existing. Title 47, §11-801(A) & (D)

Statutory Speed Limit:
See Other below.

75 MPH on the turnpike system and designated segments of the rural interstate system Title 47, §11-801(B)(1)
70 MPH on 4 lane highways or "super two-lane" highways¹ Title 47, §11-801(B)(2)
65 MPH on other highways Title 47, §11-801(B)(3)
55 MPH on a county road Title 47, §11-801(E)(1)
45 MPH in the State Capitol Park Area Title 47, §11-801(B)(6)
35 MPH in a State park or wildlife refuge Title 47, §11-801(B)(7)
25 MPH in a school zone or within a State school Title 47, §11-801(B)(5) & (6)

Historical Note: The provisions of Title 47, §11-801, that established lower speed limits for trucks, truck tractors with semitrailers or poletrailers attached and for pick-up trucks hauling livestock, were repealed. §1 of Chapter 324, Laws of 1996

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Transportation Commission may increase or decrease² the maximum speed limit.³ Title 47, §§11-802 & 11-803(D)
II. The State Turnpike Authority has the authority to establish maximum speed limits on turnpikes. Title 47, §11-1401(i)
III. Subject to certain limitations⁴ and based on engineering and traffic investigations, local governments may increase or decrease the maximum speed limits.⁵ Title 47, §11-803

¹A "super two-lane highway" means a 2 lane highway "with designated passing lanes, and consisting of paved shoulder not less than eight (8) feet in width." Title 47, §11-801(B)(2)

²On interstate highways within corporate limits, the speed limit cannot be decreased to less than 60 MPH. Title 47, §11-803(D)

³Under separate provisions of law, the State Transportation Commission may establish maximum speeds for controlled access highways. Title 47, §11-801(C)

⁴The speed limit inside an urban district can be increased to no more than 65 MPH. The speed limit outside an urban district can be decreased to not less than 30 MPH. Title 47, §11-803(A)(2) & (3)

⁵Under separate provisions law, county boards may establish speed limits > or <55 MPH for county roads. Title 47, §11-801(E)(1)(A)

OKLAHOMA

Basis for a Speed Law Violation: (continued)

Posted (Maximum Speed Limit: (continued)

IV. The State Transportation Commission and local governments have joint authority to alter speed limits² within corporate limits on highways constructed with either State or Federal funds.⁶ Title 47, §11-803(D)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 47, §11-804(a)

Posted (Minimum) Speed Limit:

I. The State Transportation Commission may establish minimum speeds for controlled access highways. Title 47, §11-801(C)

II. The State Turnpike Authority has the authority to establish minimum speed limits on turnpikes. Title 47, §11-1401(i)

III. Based on engineering and traffic investigations, the State Transportation Commission or local governments may, on highways under their respective jurisdictions, establish minimum speed limits on a highway. Title 47, §11-804(b)

Other:

I. No person shall drive a school bus >65 MPH on turnpikes and the interstate highway system and >55 MPH on other highways. Title 47, §11-801(B)(4)

II. Based on an investigation, either the State or a local government may establish a safe maximum speed limit for a bridge or other elevated structure. Title 47, §11-806(a) & (b)

III. The State may post special speed limits on State or Federal highways under construction or repair. Title 47, §11-806(c)

IV. No person shall drive a vehicle equipped with either solid rubber or metal tires >10 MPH. Title 47, §11-801(B)(8)

V. No person shall drive a motor-driven cycle⁷ or motor scooter⁸ >35 MPH. Title 47, §11-805

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 47, §§11-102, 11-807(c) & 11-1401(m)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

5 days to 30 days Title 47, §§11-807(c) & 11-1401(m)

⁶However, a local government cannot establish a speed limit that is "substantially lower than those justified by the highway design, capacity, and traffic volume as determined by engineering studies." Title 47, §11-803(D)

⁷A "motor-driven cycle" is a bicycle with a motor attached. Title 47, §11-805

⁸This limit applies to "motor scooters" with a wheel diameter of ≤ 12 inches as "measured from one side of the rim to the other." Title 47, §11-805

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	\$10 to \$200 Title 47, §§11-807(c) & 11-1401(m)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	Driver Improvement or Defensive Driving Course Title 47, §6-206.1 & OAC 595:10-7-10 Note: An offender can reduce the number points on their driving record by taking this course. OAC 595:10-7-10
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension ⁹ Title 47, §6-206(B)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year Title 47, §6-208
Mandatory Minimum Term of Withdrawal:	Limited ⁹
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Note: State law does not provide for the offense of racing on the highway. However, the State code does authorize local governments to enact ordinances or promulgate regulations that prohibit such conduct. Title 11, §22-117(A)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine (\$ Range):	
Mandatory Minimum Fine:	

⁹**Point System.** The licensing agency usually takes suspension action suspension based upon a point system. I. Under this system, an offender's license is suspended when they accumulate 10 or more points. Suspension periods are determined by the number of prior suspensions as follows: A 1st suspension is for 1 months; a 2nd suspension is for 3 months; a 3rd suspension is for 6 months (mandatory); and a 4th or subsequent suspension is for 12 months (mandatory). OAC 595:10-7-6 II. The following points have been assigned to speeding and speed related violations: Reckless driving-4 points; speeding > 25 MPH over the speed limit-3 points; careless driving (Note: This is not listed as an offense under Oklahoma law.)-2 points; speeding-2 points; contest racing on the highway (Note: This is not listed as an offense under Oklahoma law.)-2 points; speeding in excess of the posted maximum speed limit-2 points; driving less than the minimum posted speed limit-2 points; speeding in a school zone-2 points; radar checked speed violation-2 points; airplane checked speed violation-2 points; Vascar-2 points; negligent driving (Note: This is not listed as an offense under Oklahoma law.)-1 point; operating a motor vehicle at a speed either greater than or less than is reasonable or proper-1 point; and impeding traffic (<40 MPH)-1 point. OAC 595:10-7-2

OKLAHOMA

Other Criminal Actions Related to Speeding: (continued)

Racing on Highway: (continued)

Administrative Licensing Action:
Licensing Authorized and
Type of Action:
Length of Term of
Licensing Withdrawal:
Mandatory Action--Minimum
Length of License
Withdrawal:

Other:

Reckless Driving:

Sanction:
Criminal:
Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Length of Term of License
Withdrawal Action:

Mandatory Term of License
Withdrawal Action:

Other:

Misdemeanor Title 47, §§11-102 & 11-901

1st offense-5 days to 90 days Subsequent offense-10 days to 6 months
Title 47, §11-901(b)

None

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$1,000 Title 47,
§11-901(b)

None

Suspension⁹ Title 47, §6-206(B)

Not more than **1 year** Title 47, §6-208

Limited⁹

Driver Improvement or Defensive Driving Course Title 47, §6-206.1
& OAC 595:10-7-10 Note: An offender can reduce the number points
on their driving record by taking this course. OAC 595:10-7-10

Commercial Motor Vehicle (CMV) Operators¹⁰:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a
vehicle they either (1) commit 2 "serious traffic violations"¹¹ within a
3 year period or (2) commit 3 such violations within a 3 year period.
Title 47, §6-205.2(F)

¹⁰A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 47, §§1-107.1, 1-107.2 & 1-107.3

¹¹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Title 47, §6-205.2(F)

Commercial Motor Vehicle (CMV) Operators:
(continued)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 47, §6-205.2(F)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 47, §6-205.2(F)

OKLAHOMA

JURISDICTION:

OREGON

General Reference:

This chapter summarizes Oregon State statutes related to speed.
Oregon Revised Statutes and Oregon Administrative Rules (OAR)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person commits an offense if they drive a vehicle at a speed greater than is reasonable and prudent, having due regard to all of the following: The traffic; the surface and width of the highway; the hazard at intersections; weather; visibility; and, other conditions then existing.¹ §811.100(1)

**Statutory Speed Limit:
See Other below.**

It is *prima facie* evidence of a violation of the basic speed rule to exceed the following speed limits.

- A) 65 MPH on rural interstate highways §811.105(2)(e), 811.112(1) & 811.123(1)(e)
- B) 55 MPH on other highways §811.105(2)(f) & 811.123(1)(f)
- C) 25 MPH in a public park or residential district §811.105(2)(d) & 811.123(1)(d)
- D) 25 MPH on the ocean shore §811.120(1)(b)
- E) 20 MPH in a school zone² §811.105(2)(c) & 811.123(1)(c)
- F) 20 MPH in a business district §811.105(2)(b) & 811.123(1)(b)
- G) 15 MPH in an alley §811.105(2)(a) & 811.123(1)(a)

Posted (Maximum) Speed Limit:

- I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above *prima facie* speed limits on the highways outside an urban area. §810.180(7)³
- II. The State Department of Transportation may "supersede" the maximum statutory speed limits (§811.123) for highways in an urban area where such speed limits are not reasonable or safe. §810.180(10)

Minimum Speed Limit:

No person shall impede the normal and reasonable movement of traffic. §811.130

Posted (Minimum) Speed Limit:

Other:

A person shall not operate certain trucks or busses at a speed > 55 MPH.⁴ §811.115

¹The basic speed rule does not authorize speed limits in excess of the maximum speed limits. §811.108

²This speed limit only applies when children are present or a flashing light indicates that children may be arriving or leaving a school. §§811.105(2)(c)(A) & (B) and 811.106

³Under other provisions, the State Department of Transportation may by regulation designate a safe speed on the highways. This authority may be delegated to local governments for low volume highways or roads which are not hard surfaced. §810.180(8)

⁴This speed limit applies to trucks weighing ≥ 8,000 lbs, school bus, school activity vehicle, a worker transport bus, a bus used to transport children on a church function and a vehicle used by a non-profit organization to transport persons. §811.115

OREGON

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Infractions. §§801.550 & 811.100 et seq.
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Basic Speed Rule-Class B Traffic Infraction-Not more than \$300 §§153.615(2)(b) & 811.100(3)
Exceeding the Maximum/Posted Speed Limits or Maximum Speed limits for Certain Trucks or Buses-Class A to D Traffic Infractions-Varying fines from not more than \$75 to not more than \$600⁶ §§153.615, 811.109 & 811.115
Impeding Traffic-Class D Traffic Infraction-Not more than \$75 §§153.615(2)(d) & 811.130(5)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to complete a defensive driving course. §809.270(1)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via the Driver Improvement Program⁷ §809.480

⁶I. For exceeding the maximum or posted speed limit on highways with a speed limit of < 65 MPH, the following fine sanctions are imposed: 1 to 10 MPH over the speed limit (Class D Traffic Infraction)-not more than \$75; 11 to 20 MPH over the speed limit (Class C Traffic Infraction)-not more than \$150; 21 to 30 MPH over the speed limit (Class B Traffic Infraction)-not more than \$300; and, > 30 MPH over the speed limit (Class A Traffic Infraction)-not more than \$600. §811.109(1) II. For exceeding the maximum or posted speed limit on highways with a speed limit of > 65 MPH, the following fine sanctions are imposed: Exceeding 65 but < 75 MPH (Class C Traffic Infraction)-not more than \$150; exceeding 75 MPH but < 85 MPH (Class B Traffic Infraction)-not more than \$300; and, exceeding 85 MPH (Class A Traffic Infraction)-not more than \$600. §811.109(2)

⁷**Driver Improvement Program. Step One:** An offender is mailed an "advisory letter" if they commit 2 traffic offenses within 12 months. This letter informs the offender of their driving problems. **Step Two:** If (1) an offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the advisory letter or (2) they have committed 3 traffic offenses within 18 months, they are mailed a "warning letter." This letter notifies the offender of the possible consequences if they are convicted of any more traffic offenses. **Step Three:** If (1) offender has committed 1 or 2 traffic offenses within 6 or 12 months respectively of date of the warning letter or (2) they have committed 4 traffic offenses within 18 months, they are subject to a driver improvement interview. During this interview, the licensing agency proscribes a program for driver improvement, places the offender on probation for 1 year and place restrictions on the offender's driving privileges. **Step Four:** If an offender commits a traffic offense during the 1 year probationary period, they are subject to a 30 day suspension. Note: This suspension appears to be mandatory. OAR 735-72-000 et seq.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal (Days, Months, Years, etc.):	30 days under Step Four of the Driver Improvement Program ⁷
Mandatory Minimum Term of Withdrawal:	30 days under Step Four of the Driver Improvement Program ⁷
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Speed Racing on Highway:</u>	Class A Traffic Infraction §811.125(1) & (2)
Sanctions:	
Criminal Sanction:	None
Imprisonment (Term):	
Mandatory Minimum Term:	
Fine (\$ Range):	Not more than \$600 §153.615(2)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via the Driver Improvement Program ⁷
Length of Term of Licensing Withdrawal:	30 days under Step Four of the Driver Improvement Program ⁷
Mandatory Action--Minimum Length of License Withdrawal:	30 days under Step Four of the Driver Improvement Program ⁷
Other:	An offender may be required to complete a defensive driving course. §809.270(1)
<u>Reckless Driving⁸:</u>	Class A Misdemeanor §811.140(1) & (3)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 year §161.615(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$5,000 §161.635(1)(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §809.410(6)

⁸The same sanctions, criminal and administrative, that apply for "reckless driving" also apply to the offense of "reckless endangerment of highway workers." This offense consists of driving a motor vehicle in a "work zone in such a manner as to endanger persons or property." §§809.410(34) & 811.231

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Other Criminal Actions Related to Speeding:
(continued)

Length of Term of License Withdrawal Action:	<u>1st offense-90 days 2nd offense (within 5 years)-1 year Subsequent offense (within 5 years)-3 years §809.420(1)</u>
Mandatory Term of License Withdrawal Action:	<u>1st offense-90 days 2nd offense (within 5 years)-1 year Subsequent offense (within 5 years)-3 years §§809.410(6) & 809.420(1)</u>
Other:	An offender may be required to complete a defensive driving course. §809.270(1)
<u>Careless Driving⁹:</u> Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:	Class B Traffic Infraction ¹⁰ §811.135(1) & (2) None Not more than \$300 §153.615(2)(b) None
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev): Length of Term of License Withdrawal Action: Mandatory Term of License Withdrawal Action:	Suspension via the Driver Improvement Program ⁷ 30 days under Step Four of the Driver Improvement Program ⁷ 30 days under Step Four of the Driver Improvement Program ⁷
Other:	An offender may be required to complete a defensive driving course. §809.270(1)

Commercial Motor Vehicle (CMV) Operators¹¹:

<u>Grounds for Suspension:</u>	A person's CDL is suspended, if while driving a CMV, they either (1) commit 2 "serious traffic violations" ¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. §809.410(29) & (30)
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⁹A persons commits this offense if they operate a vehicle "in a manner that endangers or would be likely to endanger any person or property." §811.135(1)

¹⁰If the offense contributed to an accident, it is a Class A Traffic Infraction. §811.135(2) The sanction for this offense is a fine of not more than \$600. §153.615(2)(a)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials. §801.208

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §801.477

Commercial Motor Vehicle (CMV Operators:
(continued)

<u>Period of Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days	<u>3 serious violations</u> (within 3 years)- 120 days §809.410(29) & (30)
<u>Period of Mandatory Suspension:</u>	<u>2 serious violations</u> (within 3 years)- 60 days	<u>3 serious violations</u> (within 3 years)- 120 days §809.410(29) & (30)

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SPEED LAWS

JURISDICTION:

PENNSYLVANIA

General Reference:

This chapter summarizes Pennsylvania State statutes related to speed.
Pennsylvania Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Title 75, §3361

**Statutory Speed Limit:
See Other below.**

65 MPH on certain interstate highways and freeways¹ Title 75, §3362(a)(1.1)
55 MPH on other highways Title 75, §3362(a)(2)
35 MPH in urban districts Title 75, §3362(a)(1)
15 MPH in a school zone Title 75, §3365(b)

Posted (Maximum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government on highways under their jurisdictions may increase or decrease the maximum speed limit on the highways under their jurisdiction.² Such speed limits "may vary for different weather conditions and other factors bearing on safe speeds." Title 75, §§3362(a)(3) & 3363 Note: Pennsylvania law does not specifically state whether different highway speed limits may be established either for different types of vehicles or for different times of the day.

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. Title 75, §3364(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways under their jurisdiction. Title 75, §3364(c)

Other:

I. Based on engineering and traffic investigations, the State or a local government may establish maximum safe speed limits for bridges and elevated structures under their jurisdiction. Title 75, §3365(a)
II. Based on engineering and traffic investigations, the State or a local government may establish a maximum safe speed for certain heavy vehicles when traveling upon certain hazardous grades. Title 75, §3365(c)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Summary Offenses. Title 75, §§3362(c), 3365(d) & 6502(a)

Other:

¹This speed limit applies only on interstate highways outside of urbanized areas with a population $\geq 50,000$ and freeways where the State has posted such a speed limit. Title 75, §3362(a)(1.1)(i) & (ii)

²However, a maximum speed limit so established cannot exceed (1) the statutory 65 MPH speed limit for certain interstate highways and freeways or (2) 55 MPH for other highways. Title 75, §3363

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Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Except for the Offenses Indicted-\$25⁵ Title 75, §6502(a)
Exceeding the Maximum or Posted Maximum Speed Limit-I. \$42.50
for exceeding 65 MPH⁴ II. \$35 for other speeding violations⁴ Title
75, §3362(c)(i) & (ii)
Exceeding the Maximum Speed Limit for Bridges, School Zones &
Hazardous Grades-\$35⁵ Title 75, §3365(d)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

For either a 1st or 2nd accumulation of 6 points on their driving record, an offender shall either be required to attend Drive Improvement School or under go a driver license examination. Title 75, §§1538(a) & 1549(a)

Other:

Surcharges. I. Except as noted, an offender is assessed a mandatory surcharge of \$30 for speeding violations. Title 75, §6505(a)(1)
II. For exceeding the maximum or posted maximum speed limit, an offender is assessed mandatory surcharges from \$30 to \$50.⁵ Title 75, §6506(a)(4)

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System⁶ Title 75, §§1535, 1538 & 1539

Term of License Withdrawal
(Days, Months, Years, etc.):

Not more than 1 year⁶ Title 75, §1539

⁵This fine applies to violations of the Basic Speed Rule, the Minimum Speed Rule and Posted Minimum Speed Limits.

⁴Plus an additional \$2 for every MPH in excess of 5 MPH over the speed limit. Title 75, §§3362(c)(2) & 3365(d)

⁵A surcharge of \$30 is assessed for exceeding the speed limit by either 6 to 10 MPH or 11 to 15 MPH. A surcharge of \$40 is assessed for exceeding the speed limit by 16 to 25 MPH. And, a surcharge of \$50 is assessed for exceeding the speed limit by \geq 26 MPH. Title 75, §6506(a)(4)(i), (ii) & (iii)

⁶**Point System.** I. When an offender's point accumulation is reduced below 6 and they again accumulate 6 points for the second time, they are subject to a suspension of \leq 15 days. Title 75, §1538(b) II. When an offender's point accumulation is reduced below 6 and they again accumulate 6 points for the third time, they are subject to a suspension of \leq 30 days. Title 75, §1538(c) III. When an offender has accumulated 11 points or more, they are subject to license suspension as follows: For a 1st suspension, 5 days suspension for each point; for a 2nd suspension, 10 days suspension for each point; for a 3rd suspension, 15 days suspension for each point; and, for a subsequent suspension, a 1 year suspension. Title 75, §1539(a) & (b) IV. The following points have been assigned to speeding and speed related violations: Basic speed rule violation-2 points; careless driving-3 points; exceeding the maximum or posted maximum speed limit by 6 to 10 MPH-2 points; exceeding the maximum or posted maximum speed limit by 11 to 15 MPH-3 points; exceeding the maximum or posted maximum speed limit by 16 to 25 MPH-4 points; exceeding the maximum or posted maximum speed limit by 26 to 30 MPH-5 points; and, exceeding the maximum or posted maximum speed limit by 31 MPH-5 points. Title 75, §1535(a)

Sanctions Following an Adjudication of a Speed law Violation:
(continued)

<p>Mandatory Minimum Term of Withdrawal:</p>	<p>None An offender is eligible for an occupational limited license. Title 75, §1553</p>
<p>Miscellaneous Sanctions Not Included Elsewhere:</p>	<p>Double Fines. for a violation of either the Basic Speed Rule (Title 75, §3361) or Maximum or Posted Maximum Speed Limits (Title 75, §3362) in either a construction or maintenance area manned by workers acting in their official capacity, the fines are double the usual amount. Title 75, §3326(c)</p> <p>Excessive Speeding. An offender, who has been convicted of exceeding the maximum or posted maximum speed limit by ≥ 31 MPH, is subject to one or more of the following sanctions: (1) Driver improvement school; (2) an license examination or (3) license suspension for ≤ 15 days. Title 75, §1538(d)</p>

Other Criminal Actions Related to Speeding:

<p><u>Racing on Highway:</u> Sanctions: Criminal Sanction: Imprisonment (Term):</p>	<p>Summary Offense Title 75, §3367(b) & (d)</p>
<p>Mandatory Minimum Term: Fine (\$ Range):</p>	<p><u>1st offense-None</u> <u>Subsequent offense-Not more than 6 months</u> Title 75, §6503</p>
<p>Mandatory Minimum Fine:</p>	<p>None</p> <p><u>1st offense-\$200</u> Title 75, §3367(d) <u>Subsequent offense-\$200 to \$1,000</u> Title 75, §6503</p>
<p>Administrative Licensing Action: Licensing Authorized and Type of Action: Length of Term of Licensing Withdrawal: Mandatory Action--Minimum Length of License Withdrawal:</p>	<p>Suspension Title 75, §1532(b)</p> <p>6 months Title 75, §1532(b)</p> <p>6 months Title 75, §1532(b) Note: An offender is not eligible for occupational driving privileges. Title 75, §1553(d)(11)</p>
<p>Other:</p>	<p>Surcharge. An offender is assessed a mandatory surcharge of \$30. Title 75, §6505(a)(1)</p>
<p><u>Reckless Driving:</u> Sanction: Criminal: Imprisonment (Term): Mandatory Minimum Term of Imprisonment: Fine (\$ Range): Mandatory Minimum Fine:</p>	<p>Summary Offense Title 75, §3736(a) & (b)</p> <p>None</p> <p>\$200 Title 75, §3736(b)</p> <p>None</p>

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension Title 75, §1532(b)

Length of Term of License

6 months Title 75, §1532(b)

Withdrawal Action:

Mandatory Term of License

6 months Title 75, §1532(b) Note: An offender is not eligible for occupational driving privileges. Title 75, §1553(d)(11)

Withdrawal Action:

Other:

Surcharge. An offender is assessed a mandatory surcharge of **\$30**. Title 75, §6505(a)(1)

Double Fines. for a reckless driving offense that was committed in either a construction or maintenance area manned by workers acting in their official capacity, the fines are double the usual amount. Title 75, §3326(c)

Careless Driving⁷:

Summary Offense Title 75, §3714

Sanction:

Criminal:

None

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

\$25 Title 75, §6502

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁷ Title 75, §§1535, 1538 & 1539

Length of Term of License

55 days to 1 year⁶ Title 75, §1539

Withdrawal Action:

Mandatory Term of License

None An offender is eligible for an occupational limited license. Title 75, §1553

Withdrawal Action:

Other:

Surcharge. An offender is assessed a mandatory surcharge of **\$30**. Title 75, §6505(a)(1)

Double Fines. for a careless driving offense that was committed in either a construction or maintenance area manned by workers acting in their official capacity, the fines are double the usual amount. Title 75, §3326(c)

⁷"Careless driving" is defined as driving "a vehicle in careless disregard for the safety or persons or property." Title 75, §3714

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 75, §1611(D)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 75, §1611(D)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations
(within 3 years)-**120 days** Title 75, §1611(D)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance State regulations. Title 75, §1603

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Title 75, §1603 & 49 CFR §383.5

PENNSYLVANIA

SPEED LAWS

JURISDICTION:

PUERTO RICO

This chapter summarizes the Commonwealth of Puerto Rico statutes related to speed.

General Reference:

Laws of Puerto Rico Annotated Current through the 1991 sessions of the Puerto Rico Legislature.

Basis for a Speed Law Violation:

Basic Speed Rule:

The speed of a motor vehicle shall be regulated with due care, taking into account the width, volume of traffic, use, and condition of the public highway. Title 9, §841(a)

Statutory Speed Limit:

45 MPH in a rural zone Title 9, §841(b)(2)

See Other below.

25 MPH in an urban zone Title 9, §841(b)(1)

25 MPH in a school zone¹ Title 9, §841(b)(3)

Posted (Maximum) Speed Limit:

Based on traffic-engineering research, the Commonwealth or local authorities, on highways under their jurisdiction, may increase or decrease the maximum speed limits.² Title 9, §843

Minimum Speed Limit:

A person shall not drive a vehicle so slowly as to hinder or obstruct the normal and reasonable flow of traffic. Title 9, §842 (¶1)

Posted (Minimum) Speed Limit:

Based on traffic-engineering research, the Commonwealth or local authorities may establish a minimum speed limit on a highway. Title 9, §842 (¶2)

Other:

I. Heavy vehicles and buses (including school buses) cannot be driven >40 MPH. Title 9, §841(b)(2)

II. Vehicles carrying either toxic materials or dangerous substances cannot be driven either >30 MPH in a rural zone or >25 MPH in an urban zone. Title 9, §841(b)(4)

III. A vehicle, that is equipped with solid or massy tires, cannot be driven >10 MPH. Title 9, §845

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 9, §1221(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st offense-Not more than **10 days** 2nd offense (within 1 year)-Not more than **20 days** Subsequent offense (within 1 year)-Not more than **6 months** Title 9, §1221(b)

Mandatory Minimum Term:

None

¹A school zone is in operation from 6:00 A.M. to 6:00 P.M. or at other times as identified by appropriate signs. Title 9, §841(b)(3)

²"[D]ifferent limits may be established for diverse hours, distinct types of vehicles, different weather conditions and other factors pertinent to a safe speed." Title 9, §843

PUERTO RICO

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Fine:	
Amount (\$ Range):	<u>1st offense-Not more than \$100</u> <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>Subsequent offense</u> (within 1 year)-Not more than \$500 Title 9, §1221(b)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension via a Point System ³ Title 9, §§691(a)(3) & 694
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year Title 9, §691(c)
Mandatory Minimum Term of Withdrawal:	Limited ⁴
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor Title 9, §§1221(a) & 847
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense-None</u> <u>2nd offense-Not more than 10 days</u> <u>Subsequent offense-Not more than 30 days</u> Title 9, §847(b)
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense-\$50 to \$300</u> <u>2nd offense-\$100 to \$400</u> <u>Subsequent offense-\$200 to \$500</u> Title 9, §847(b)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension Title 9, §847(b)
Length of Term of Licensing Withdrawal:	<u>1st offense-1 to 6 months</u> <u>Subsequent offense-1 year</u> Title 9, §847(b)

³**Point System.** I. If an offender accumulates 25 points, their license is suspended from 1 month to 1 year. Title 9, §694(f) II. The following points have been assigned to speeding and speed related violations: Reckless (gross negligent) driving-3 to 9 points; racing-3 to 8 points; excessive speeding-3 to 7 points; and, slow speed-1 to 2 points. Title 9, §694(a)(1), (2), (3) & (16)

⁴The licensing agency is not required to suspend an offender's license, if the offender demonstrates that a license is needed for employment purposes. Such suspension is rendered "ineffective" for 6 months. However, if during this period, the offender commits another violation for which they accumulate points, they are subject to a mandatory license suspended for the original suspension period. Title 9, §694(i)

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-1 month Subsequent offense-1 year Title 9, §847(b) Note:
These suspensions appear to be mandatory.

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Misdemeanor Title 9, §§1221(a) & 871

1 to 6 months Title 9, §871(a)

None

\$100 to \$500 Title 9, §871(a)

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

1st offense-Suspension via Point System³ Title 9, §§691(a)(3) & 694
Subsequent offense-Revocation Title 9, §871(b)

Length of Term of License

Withdrawal Action:

1st offense-1 month to 1 year via Point System³ Title 9, §§691(a)(3)
& 694 2nd offense-3 months Subsequent offense-6 months Title 9,
§871(b)

Mandatory Term of License

Withdrawal Action:

1st offense-Limited via Point System⁴ Title 9, §§691(a)(3) & 694 2nd
offense-3 months Subsequent offense-6 months Title 9, §871(b)
Note: The revocations appear to be mandatory.

Other:

PUERTO RICO

SPEED LAWS

JURISDICTION:

RHODE ISLAND

General Reference:

This chapter summarizes Rhode Island State statutes related to speed. General Laws of Rhode Island and Code of Rhode Island Rules (CRIR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.¹ §§31-14-1 & 31-14-3

**Statutory speed Limit:
See Other below.**

Speed in excess of the following limits is considered *prima facie* evidence that such speed was not reasonable or prudent. §3-14-2(a)
A) 50 MPH during the daytime² outside a business or residential district. §31-14-2(a)(2)
B) 45 MPH during the nighttime² outside a business or residential district. §31-14-2(a)(3)
C) 25 MPH in a business or residential district. §31-14-2(a)(2)
D) 20 MPH in a school zone³ §31-14-2(a)(4)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Traffic Commission may increase or decrease the *prima facie* speed limits. §§31-14-4 & 31-14-4.1 Note: Rhode Island law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigations, a local government on streets in a business or residential district under their jurisdiction may decrease the *prima facie* speed limits. §31-14-5
III. A local government may increase the *prima facie* speed limits on through highways and other highways with limited intersections.⁴ §31-14-6
IV. Based on engineering and traffic investigations, a local government on streets outside a business or residential district under their jurisdiction may decrease the *prima facie* speed limits.⁵ §31-14-7
V. Based on an investigation, the State Traffic Commission may establish safe maximum speed limits for bridges and other elevated structures. §31-14-12

Note: The State Traffic Commission must approve speed limit alterations by local governments on State highways. §31-14-8

¹Under other provisions of law, a person is also required to exercise due care to avoid colliding with pedestrians or human powered vehicles. §31-18-8

²"Daytime means from a half hour before sunrise to half hour after sunset. Nighttime means at any other time." §31-14-2(b)

³This speed limit only applies within 300 feet of school grounds and when the school is open. §31-14-2(a)(4)

⁴However, a local government cannot establish a daytime speed limit > 50 MPH or a nighttime limit > 45 MPH. §31-14-6

⁵However, a speed limit of < 35 MPH cannot be established. §31-14-7

RHODE ISLAND

Basis for a Speed Law Violation: (continued)

Minimum Speed Limit:	No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic. §31-14-9
Posted (Minimum) Speed Limit:	
Other:	I. No person shall drive a vehicle equipped with solid rubber or cushion tires > 10 MPH. §31-14-11 II. The State or a local government may establish "temporary traffic control zones" on highways which are undergoing construction or maintenance. §31-14-12.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Misdemeanors. ⁶ §31-27-13(a)
Other:	Although speed Law violations appear to be misdemeanor offenses, some of these offenses may be handled administratively. If this occurs, only a fine is assessed for a violation. ⁷ §31-41-4

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	Not more than 1 year §31-27-13(b)
Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	Not more than \$500 ⁷ §31-27-13(b)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	
Other:	

⁶The motor vehicle code (Title 31) provides that moving violations are misdemeanors unless the law makes a particular offense a felony. §31-27-13 However, the criminal law (Title 11) provides, that where an offense is punishable by only a fine of not more than \$500, it is a violation. §11-1-2

⁷**Violation Fine Schedule.** The following administrative fines are assessed for certain speed law violations. Driving too slow (impeding traffic)-\$30; speeding 1 to 5 MPH is excess of the posted speed limit-\$30; speeding 6 to 10 MPH is excess of the posted speed limit-\$40; speeding 11 to 15 MPH is excess of the posted speed limit-\$50; speeding, 1st offense, 16 to 18 MPH is excess of the posted speed limit (\$10 for every MPH over the posted speed limit)-\$160 to \$180; speeding, 1st offense, 19 to 24 MPH is excess of the posted speed limit (\$10 for every MPH over the posted speed limit)-\$190 to \$240; speeding ≥ 25 MPH is excess of the posted speed limit (\$10 for every MPH over the posted speed limit)-\$250. In addition, for every violation concerning exceeding the speed posted speed limit, an offender is assessed an additional \$30. This assessment is used to fund substance abuse and prevention program. §31-41-4

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension or Revocation via a Point System ⁸
Term of License Withdrawal (Days, Months, Years, etc.):	Suspension -Not more than 1 year §31-11-7 Revocation-Indeterminate Note: The law does not provide for a general period of maximum revocation.
Mandatory Minimum Term of Withdrawal:	Suspension-10 or 30 days ⁸ Revocation -A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation.
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Reckless Driving or Drag Racing</u> ⁹ :	<u>1st offense</u> -Misdemeanor <u>Subsequent offense</u> -Felony §31-27-4(a)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 1 year §31-27-13(b) <u>Subsequent offense</u> - 1 to 5 years §31-17-14
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense</u> -Not more than \$500 §31-27-13(b) <u>Subsequent offense</u> -Not more than \$5,000 §31-17-14
Mandatory Minimum Fine:	
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	<u>Point System-Suspension or Revocation</u> ⁸ §31-11-7 & CRIR 01-100-001 <u>Three (3) Reckless Driving Offenses</u> (within 1 year)- Revocation ¹⁰ §31-11-6(7)

⁸**Point System.** Under §31-11-7(a), the licensing agency has the authority to take licensing action (usually suspension) if an offender has committed numerous traffic law violations. The State has promulgated a regulation establishing a point system to assist it in exercising this authority. I. If an offender accumulates 8 points, their license will be suspended. A 1st suspension is for a mandatory minimum of 10 days; a subsequent suspension is for a mandatory period of 30 days. However, according to §31-11-7, a suspension cannot be > 1 year. If they accumulate 12 points, their license is revoked. The period of license revocation is either indeterminate or determined according to the offense committed. II. The following points have been assigned for speeding and speed related violations: Three (3) reckless driving offenses within 1 year-12 points; >20 MPH over the speed limit-8 points; ≤20 MPH over the speed limit-1 to 5 points; reckless or negligent driving-8 points; and, other speeding violations-1 to 3 points. CRIR 01-100-011

⁹It is a misdemeanor to race a horse on a public highway. The sanctions for this offense are imprisonment for not more than 10 days and/or a fine of not more than \$20. §§11-1-2 & 11-22-11

¹⁰Note: The law may only provide for this licensing action where the convictions are for reckless driving and not for drag racing.

RHODE ISLAND

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving or Drag Racing:

(continued)

Length of Term of

Licensing Withdrawal:

Point System-Not more than 1 year §31-11-7 Revocation-Indeterminate Note: The law does not provide for a general period of maximum revocation.

Three (3) Reckless Driving Offenses (within 1 year)-3 years¹⁰ §31-11-6(7)

Mandatory Action--Minimum

Length of License

Withdrawal:

Point System-Suspension-10 or 30 days⁸ Revocation-A revocation, if required, appears to be mandatory. However, the law provides for no maximum period of such mandatory revocation.

Three (3) Reckless Driving Offenses (within 1 year)-3 years¹⁰ §31-11-6(7)

Other:

If revocation is mandatory, the registrations of any vehicles owned by the offender may be suspended unless the offender gives proof of financial responsibility. §31-32-4

Driving as to Endanger¹¹:

Sanction:

Criminal:

Imprisonment (Term):

Felony §§11-1-2, 31-27-1 & 31-27-1.1

Death Related Offense-Not more than 10 years §31-27-1(b)

Injury Related Offense-Not more than 5 years §31-27-1.1(c)

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

None

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Revocation §31-11-6(1)

3 years §31-11-6(1)

3 years §31-11-6(1)

Other:

If revocation is mandatory, the registrations of any vehicles owned by the offender may be suspended unless the offender gives proof of financial responsibility. §31-32-4

¹¹Death or injury as a result of vehicle operation in reckless disregard of the safety of others. §§31-27-1(a) & 31-27-1.1(a)

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Suspension:

A person CDL is suspended if while operating a CMV they either (1) commit 2 "serious traffic violations"¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §31-10.3-31(a)(5)

Period of Suspension:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §31-10.3-31(a)(5)

Period of Mandatory Suspension:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §31-10.3-31(a)(5)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §31-10.3-3(9)

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §31-10.3-3(25)

RHODE ISLAND

SPEED LAWS

JURISDICTION:

SOUTH CAROLINA

General Reference:

This chapter summarizes South Carolina State statutes related to speed.
Code of Laws of South Carolina Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §56-5-1520(a) & (c)

**Statutory Speed Limit:
See Other below.**

55 MPH on streets and highways §§56-5-1510 & 56-5-1520(b)(2)
35 MPH in an urban district §56-5-1520(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Department of Transportation may increase or decrease the above maximum speed limits on the State highway system including the extension of such system into an urban district.¹ §56-5-1530
II. Based on engineering and traffic investigations, local governments within their respective jurisdictions may increase or decrease the above maximum speed limits.² §56-5-1540(a)
III. Based upon an investigation, the State Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. §56-5-1570(d)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §56-5-1560(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or local governments on their respective streets and highways, may establish minimum speed limits. §56-5-1560(b)

Other:

I. A person may not operate a moped >25 MPH. §56-5-1555
II. No person shall tow a house trailer >45 MPH. §56-5-1570(a)
III. No person shall drive a vehicle that is equipped with solid rubber or cushion tires >10 MPH. §56-5-1570(b)

Adjudication of Speed Law Violations:

**Civil/Criminal Adjudication of Violation:
Other:**

All Speed Law Violations are Misdemeanors. §§56-5-730 & 56-5-6190

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §56-5-1530(a)

²However, except as provided under §56-5-1510, a speed limit cannot be established at >55 MPH. §56-5-1540(a)(2) In addition, out side of an urban district, a speed limit cannot be established at <35 MPH. §56-5-1540(a)(3) Note: The State Department of Transportation must approve any alteration of a speed limit on State highways or extensions thereof. §56-5-1540(d)

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Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

I. Violating Statutory Maximum Speed Limits³: 1st offense- > 25 MPH over the speed limit-**Not more than 30 days** §56-5-1520(d)(4)

Subsequent offense-**Not more than 30 days** §56-5-6190

II. Violating the Maximum Speed limit for Mopeds: **Not more than 30 days** §56-5-1555

III. All Other Speed Law Related Violations (General Penalty): **Not more than 30 days** §56-5-6190

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

I. Violating Statutory Maximum Speed Limits³: 1st offense-**\$15 to \$200**⁴ §56-5-1520(d)(4) Subsequent offense-**Not more than \$100** §56-5-6190

II. Violating Maximum Speed limit for Mopeds: **Not more than \$200** §56-5-1555

III. All Other Speed Law Related Violations (General Penalty): **Not more than \$100** §56-5-6190

None

Mandatory Min. Fine (\$):

Other Penalties:

Traffic School:

An offender, who completes a defensive driving course, shall have 4 point deducted from their driving record. §56-1-770

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁵ §§56-1-720, 56-1-740 & 56-1-750

³This refers to a violation of maximum speed limits established under §56-5-1520(b). However, these limits may be altered (increased or decreased) by State or local authorities via either §56-5-1530 or §56-5-1540. Note: The law is not clear but these sanctions for a 1st offense may also apply to violations of altered posted speed limits.

⁴The fines for 1st offense speed limit violations are as follows: Driving less than ≤ 10 MPH above the speed limit-**\$15 to \$25**; driving > 10 MPH but < 15 MPH above the speed limit-**\$25 to \$50**; driving > 15 MPH but < 25 MPH above the speed limit-**\$50 to \$75**; and, driving > 25 MPH above the speed limit-**\$75 to \$200**. §56-5-1520(d)

⁵**Point System.** I. An offender, who accumulates 12 to 15 points, is subject a 3 month suspension. If they accumulate 16 or 17 points, the suspension is 4 months. If they accumulate 18 or 19 points, the suspension is 5 months. And, if they accumulate 20 or more points, the suspension is 6 months. §56-1-740 (12) II. Points are computed in the following manner. Points for offenses committed within the immediate 12 months from the present offense are counted at full value. However, points for offenses which have been committed more than 12 months but less than 24 months from the present offense from the immediate offense are reduced to half of their full value. Note: Points are not assigned for offenses committed more than 24 months from the present offense. §56-1-750 III. The following points have been assigned for speeding and speed related violations: Reckless driving-6 points; ≤ 10 MPH above the posted speed limit-2 points; > 10 MPH but < 25 MPH above the posted speed limit-4 points; and, ≥ 25 MPH above the posted speed limit-6 points. §56-1-720 Note: The law does not appear to assign any points for either driving too slowly for violating the posted minimum speed limit.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.): **3 to 6 months⁵ §56-1-740 (¶2)**
Mandatory Minimum Term of
Withdrawal: Suspension periods under the Point System appear to be mandatory.
§56-1-740 (¶2)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway: Misdemeanor §§56-5-730, 56-5-1590 & 56-5-6190 (¶1)
Sanctions:
Criminal Sanction:
Imprisonment (Term): **2 to 6 months §56-5-1620**
Mandatory Minimum Term: **None**
Fine (\$ Range): **\$200 to \$600 §56-5-1620**
Mandatory Minimum Fine: **None**

Administrative Licensing Action:
Licensing Authorized and
Type of Action: **Revocation §56-5-1620**
Length of Term of
Licensing Withdrawal: **1 year §56-5-1620**
Mandatory Action--Minimum
Length of License
Withdrawal: **1 year §56-5-1620** This licensing action appears to be mandatory.

Other:

Reckless Driving: Misdemeanor §§56-5-730, 56-5-2920 & 56-5-6190 (¶1)
Sanction:
Criminal:
Imprisonment (Term): **Not more than 30 days §56-5-2920**
Mandatory Minimum Term
of Imprisonment: **None**
Fine (\$ Range): **\$25 to \$200 §56-5-2920**
Mandatory Minimum Fine: **None**

Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev): 1st offense-Suspension via the Point System⁵ Subsequent offense
(within 5 years)-**Suspension §56-5-2920**
Length of Term of License
Withdrawal Action: 1st offense-3 to 6 months via the Point System⁵ Subsequent offense
(within 5 years)-**3 months §56-5-2920**

minimum speed limit.

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Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Mandatory Term of License
Withdrawal Action:

1st offense-Suspension periods under the Point System appear to be mandatory. §56-1-740 (12) Subsequent offense (within 5 years)-3 months §56-5-2920

Other:

An offender, who completes a defensive driving course, shall have 4 point deducted from their driving record. §56-1-770

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §56-1-2110(F)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §56-1-2110(F)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §56-1-2110(F)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §56-1-2030(6)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §56-1-2030(24)

JURISDICTION:

SOUTH DAKOTA

General Reference:

This chapter summarizes South Dakota State statutes related to speed.
South Dakota Codified Laws

Basis for a Speed Law Violation:

Basic Speed Rule:

It is unlawful for a person to drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions then existing. §32-25-3

**Statutory Speed Limit:
See Other below.**

75 MPH on interstate highways §32-25-4
65 MPH on other streets or highways §32-25-1.1
25 MPH on urban street that do not have a posted speed limit. §32-25-12
15 MPH in a school zone¹ §32-25-14

Posted (Maximum) Speed Limit:

I. The State Transportation Commission may establish posted speed limits that are less than the maximum ones for highways under its jurisdiction. §§32-25-7 & 32-25-10
II. Local governments may establish "speed zones" upon the streets or highways under their jurisdiction. §§32-25-9.1 & 32-25-16
III. Based upon an investigation, the State Transportation Commission may establish a safe maximum speed for any public bridge, causeway or viaduct. §§32-25-18 & 32-25-19

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §32-25-5.1
II. It is unlawful to operate a motor vehicle at <40 MPH on an interstate highway. §32-25-5

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Transportation Commission may establish a minimum speed limit on a highway. §32-25-5.2

Other:

I. The State Transportation Commission may promulgate regulations establishing the maximum speed for any motor vehicle, trailer, or wagon.² §32-25-6
II. No person shall tow a manufactured home or mobile home with a width > 102 inches > 55 MPH on an interstate highway or > 45 MPH on any other highway. §32-25-6.1
III. No person shall drive a vehicle that is equipped with solid rubber or cushion tires > 10 MPH. §32-25-6.2
IV. When a driver's view is obstructed at either a railway crossing or intersection, the maximum lawful speed is 15 MPH. §§32-25-13 & 32-25-15
V. The State Transportation Commission may establish "limited" speed zones for portions of State highways that are undergoing maintenance. §32-25-19.1

¹This speed limit only applies when either the school is in recess or while children are either going to or leaving a school. §32-25-14

²I. Such regulations apply to the following types of vehicles: (1) Any motor vehicle, trailer, or wagon including the load weighing > 10,000 lbs.; (2) any motor vehicle, trailer or wagon having a gross weight > 8,000 lbs. on one axle; and, (3) any motor vehicle, trailer or wagon having a gross load > 600 lbs. per inch width of tire as defined in the statute. §32-25-6

SOUTH DAKOTA

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Class 2 Misdemeanors. §32-25-1.1 et seq.
Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

Not more than **30 days** §22-6-2

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$200** §22-6-2

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

The fines are double for exceeding the "limited" posted speed limit in a construction zone. However, the maximum fine cannot be > \$200. §32-25-19.1

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Note: There appears to be no specific licensing action for speed law violations. §§32-12-49 & 32-12-49.1 See the Comment under Point System.

Term of License Withdrawal

(Days, Months, Years, etc.):

Mandatory Minimum Term of

Withdrawal:

Miscellaneous Sanctions

Not Included Elsewhere:

For persons operating commercial motor vehicles who commit a 4th or subsequent excessive speeding offenses under §§32-25-1.1 to 32-25-17, the court may cancel the vehicles "compensation plates" for 1 year.³ §32-25-22

Other Criminal Actions Related to Speeding:

Racing on Highway:

Sanctions:

Class 2 Misdemeanor §§32-25-23 & 32-25-25

Criminal Sanction:

Imprisonment (Term):

Not more than **30 days** §2-6-2

Mandatory Minimum Term:

None

Fine (\$ Range):

Not more than **\$200** §2-6-2

Mandatory Minimum Fine:

None

³Certain commercial motor vehicles must obtain special license plates ("compensation plates") before they can operate such vehicles on the State's streets or highways. §§32-9-6 & 32-9-7

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via a Point System⁴ §32-12-49.1

Length of Term of

Licensing Withdrawal:

Not more than 1 year §32-12-47

Mandatory Action--Minimum

Length of License

Withdrawal:

None

Other:

Reckless Driving:

Class 1 Misdemeanor §32-24-1

Sanction:

Criminal:

Imprisonment (Term):

Not more than 1 year §22-6-2

Mandatory Minimum Term

of Imprisonment:

None

Fine (\$ Range):

Not more than \$1,000 §22-6-2

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ §32-12-49.1

Length of Term of License

Withdrawal Action:

Not more than 1 year §32-12-47

Mandatory Term of License

Withdrawal Action:

None

Other:

Careless Driving⁵:

Class 2 Misdemeanor §32-24-8

Sanction:

Criminal:

Imprisonment (Term):

Not more than 30 days §22-6-2

Mandatory Minimum Term

of Imprisonment:

None

⁴**Point System.** I. An offender's license is subject to suspension if they accumulate either 15 points within 12 months or 22 points within 24 months. §32-12-49.2 II. The following points have been assigned to speed related violations: Reckless driving-8 points; drag racing-6 points; and, other moving offenses-2 points. The Law specifically states that "other moving violations" does not include "speeding offenses." §32-12-49.1 **Comment:** Since the term "speeding offense" is not defined, it is unclear whether such term includes all offenses related to vehicle speed or whether such term only means speed in excess of the speed limit. Note: The State legislature repealed the law which established the offense of "drag racing." §32-25-24 repealed by §2 of ch. 260, Laws of 1991 However, it did not amend §32-12-49.1 to reflect this change.

⁵"Careless driving" is defined as operating a vehicle "carelessly and without due caution, at a speed or in a manner so as to endanger any person or property, not amounting to reckless driving." §32-24-8

SOUTH DAKOTA

Other Criminal Actions Related to Speeding:
(continued)

Careless Driving: (continued)

Fine (\$ Range): Not more than **\$200** §22-6-2
Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev): **Suspension via a Point System⁴** §32-12-49.1
Length of Term of License
Withdrawal Action: **Not more than 1 year** §32-12-47
Mandatory Term of License
Withdrawal Action: **None**

Other:

Exhibition Driving⁶:

Sanction: **Class 2 Misdemeanor** §32-24-9
Criminal:
Imprisonment (Term): **Not more than 30 days** §22-6-2
Mandatory Minimum Term of Imprisonment: **None**
Fine (\$ Range): **Not more than \$200** §22-6-2
Mandatory Minimum Fine: **None**

Administrative Licensing Actions:

Type of Licensing Action (Susp/Rev): **Suspension via a Point System⁴** §32-12-49.1
Length of Term of License
Withdrawal Action: **Not more than 1 year** §32-12-47
Mandatory Term of License
Withdrawal Action: **None**

Other:

⁶"Exhibition driving" is defined as operating a vehicle "in such a manner that creates or causes unnecessary engine noise, tire squeal, skid or slide upon acceleration or stopping; that simulates a temporary race; or that the vehicle to unnecessarily turn abruptly or sway." §32-24-9

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §§32-12-107 & 32-12-108

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §§32-12-107 & 32-12-108

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §§32-12-107 & 32-12-108

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §32-12-77(5)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH, reckless driving or careless driving. §32-12-77(24)

SOUTH DAKOTA

JURISDICTION:

TENNESSEE

General Reference:

This chapter summarizes Tennessee State statutes related to speed. Tennessee Code Annotated and Rules and Regulations of the State of Tennessee (RRST)

Basis for a Speed Law Violation:

Basic Speed Rule:

Note: This State does not have a law establishing a basic speed rule.

**Statutory Speed Limit:
See Other below.**

65 MPH for all vehicles on interstate highways §55-8-152(d)
65 MPH (50 MPH for trucks¹) on all other streets or roads §55-8-152(a) & (b)

Posted (Maximum) Speed Limit:

I. The State Department of Transportation is authorized to lower the maximum speed limits on the State system of roads and highways. §55-8-152(g)(1)(A)
II. Based on engineering and traffic investigations, the State Department of Transportation may lower the speed limits in business, urban or residential districts. §55-8-153(a)
III. Local governments may lower the maximum speed limits on roads and streets under their jurisdiction. §§55-8-152(g)(1)(C) & 55-8-153(d)
IV. The State Department of Transportation may establish a safe maximum speed limit for any bridge or elevated structure. §55-8-156(b)
V. Based on engineering investigations, a local government may establish special speed limits adjacent to schools. This limits cannot be < 15 MPH.² §55-8-152(e)(1) & (2)

Minimum Speed Limit:

I. No person shall operate a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §55-8-154(a)
II. On interstate and four-lane controlled-access highways, it is unlawful for a person to operate a motor vehicle in the left lane at a speed < 55 MPH. §55-8-152(d)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or a local government may establish a minimum speed limit for a highway. §55-8-154(b)

Other:

No person shall operate a vehicle with solid rubber or cushion tires > 10 MPH. §55-8-156(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

Except as Noted Under Miscellaneous Sanctions, Speed Law Violations are Class C Misdemeanors. §55-8-152(g)(2), 55-8-154, 55-8-156 & 55-10-301(a)

Other:

¹For the purposes of §55-8-152, a "truck" is defined as "any motor vehicle of one and one-half (1½) ton rated capacity or more." §55-8-152(c)

²Where such special speed limits do not exist, it is a *prima facie* evidence of reckless driving to operate a vehicle > 15 MPH when passing a school during either (1) recess when warning flashers are in operation or (2) either 40 minutes before or after respectively the opening or closing of a school. §55-8-152(e)(1) & (2)

TENNESSEE

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **30 days** §40-35-111(e)(3)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$50** §40-35-111(e)(3)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁴ §55-50-505 & RRST Ch. 1340-1-4

Term of License Withdrawal

(Days, Months, Years, etc.):

6 months (12 months for certain subsequent offenders)⁵ RRST Ch. 1340-1-4-.04(7)(c) and (8)(b) & (c)

³This course may be imposed in addition to or in lieu of any other sanction. §55-10-301(b)(1)

⁴**Point System.** I. An offender, who for the first time accumulates 12 points within 12 month, is subject to either a 6 month license suspension or a defensive driving course. After the offender completes a defensive driving course, they are placed on administrative probation for 12 months. II. An offender, who for the second or subsequent time accumulates 12 points within 12 month, is subject to either a 6 or 12 month license suspension. Such persons may be required to attend a driver improvement program. However, participation in this program is not in lieu of license suspension. III. The following points have been assigned for speeding and speed related offenses: Speeding violations where the vehicles' speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-1 point; exceeding the speed limit 6 through 15 MPH-3 points; exceeding the speed limit 16 through 25 MPH-4 points; exceeding the speed limit 26 through 35 MPH-5 points; exceeding the speed limit 36 through 45 MPH-6 points; exceeding the speed limit by 46 or more MPH-8 points; reckless driving-6 points; driving less the posted minimum speed limit-3 points; careless or negligent driving (Note: This is a municipal ordinance violation)-4; and, reckless endangerment by vehicle-8 points. IV. The following points have been assigned for speeding in a construction zone: Speeding violations where the vehicle's speed was not noted on the citations-3 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 15 MPH-6 points; exceeding the speed limit 16 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points. V. The following points have been assigned for speeding in a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; exceeding the speed limit 6 through 14 MPH-4 points; exceeding the speed limit 15 through 25 MPH-6 points; exceeding the speed limit 26 through 35 MPH-7 points; and, exceeding the speed limit by 36 or more MPH-8 points. VI. The following points have been assigned for speeding in a construction zone by a commercial vehicle: Speeding violations where the vehicle's speed was not noted on the citations-4 points; exceeding the speed limit 1 through 5 MPH-2 points; and, exceeding the speed limit 6 through 14 MPH-5 points. RRST Ch. 1340-1-4-.03 & .04

⁵**Point System Suspensions.** An offender is subject to a **6 month license suspension** under two conditions. (1) They have accumulated 12 points within 12 months for the first time and they do not participate in the driver improvement program. Or, (2) they have accumulated 12 points for the second time and have in lieu of a suspension, within the past 5 years, participated in such a program. A subsequent offender is subject to a **12 month license suspension** if they have, within the past 5 years, participated in and been subject to both a driver improvement program in lieu of a suspension and a license suspension under the point system. RRST Ch. 1340-1-4-.04

Sanctions Following an Adjudication of a Speed Law Violation:

(continued)

Mandatory Minimum Term of
Withdrawal: **6 or 12 months⁵** Action is limited to certain subsequent offenders.⁶
RRST Ch. 1340-1-4-.04(8)(b) & (c)

Miscellaneous Sanctions
Not Included Elsewhere: **Construction Zones.** A person, who violates a speed limit in a construction zone when workers are present, commits a Class B Misdemeanor. However, they are only subject to a fine sanction of **\$250 to \$500.** §§55-8-152(g)(2) & 55-8-153(e) Note: The minimum fine appears to be mandatory.

Other Criminal Actions Related to Speeding:

Drag Racing⁷:
Sanctions: Class B Misdemeanor §55-10-502
Criminal Sanction:
Imprisonment (Term): Not more than **6 months** §40-35-111(e)(2)
Mandatory Minimum Term: **None**
Fine (\$ Range): Not more than **\$500** §40-35-111(e)(2)
Mandatory Minimum Fine: **None**

Administrative Licensing Action:
Licensing Authorized and
Type of Action: **Revocation** §55-10-503(a)(1) & (b)
Length of Term of
Licensing Withdrawal: 1st offense-1 year §55-10-503(a)(1) 2nd offense (within 10 years)-
Permanent Revocation §55-10-503(b)

Mandatory Action--Minimum
Length of License
Withdrawal: 1st offense-None Note: An offender is eligible for restricted driving privileges. §55-10-503(a)(2) 2nd offense (within 10 years)-**Permanent Revocation** §55-10-503(b)

⁶Offenders, who have accumulated 12 points within 12 months for the first time and who are subject to a 6 month license suspension because they do not participate in a driver improvement program, are eligible for restricted driving privileges. RRST Ch. 1340-1-4-.04(7)(g) Also, under "extreme circumstances" such an offender may be placed on administrative probation in lieu of a suspension. RRST Ch. 1340-1-4-.04(7)(h)

⁷"Drag racing" is defined as the "use of any motor vehicle for the purpose of ascertaining the maximum speed obtainable by the vehicle; the use of any motor vehicle for the purpose of ascertaining the highest obtainable speed of the vehicle within a certain distance or within a certain time limit; the use of any one (1) or more motor vehicles for the purpose of comparing the relative speeds of such vehicle or vehicles, or for comparing the relative speeds of such vehicle or vehicles within a certain distance or within a certain time limit; the use of one (1) or more motor vehicles in an attempt to outgain, outdistance or arrive at a given destination simultaneous with or prior to that of any other motor vehicle; the use of any motor vehicle for the purpose of the accepting of, or the carrying out of any challenge, made orally, or in writing, or otherwise, made or received with reference to the performance abilities of one (1) or more motor vehicles." §55-10-501(1)

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Other Criminal Actions Related to Speeding:
(continued)

Drag Racing: (continued)

Other: An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Reckless Driving:

Sanction: Class B Misdemeanor §55-10-205(a) & (b)

Criminal:

Imprisonment (Term): Not more than **6 months** §40-35-111(e)(2)

Mandatory Minimum Term of Imprisonment:

None

Fine (\$ Range): Not more than **\$500** §40-35-111(e)(2)

Mandatory Minimum Fine: None

Administrative Licensing Actions:

Suspension via a Point System^{4a5} **Revocation-2nd offense** (within 12 months)-**Revocation** §55-50-501(a)(6)

Type of Licensing Action

(Susp/Rev):

2nd offense (within 12 months)-**Revocation** §55-50-501(a)(6)

Length of Term of License

Withdrawal Action:

2nd offense (within 12 months)-**1 year** §55-50-502(e)(3)

Mandatory Term of License

Withdrawal Action:

2nd offense (within 12 months)-**1 year**⁸ §55-50-502(e)(3)

Other:

An offender may be required to attend a driver education course.³ §55-10-301(b)(1)

Commercial Motor Vehicle (CMV) Operators⁹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹⁰ within a 3 year period or (2) commit 3 such violations within a 3 year period. §55-50-405(a)(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §55-50-405(a)(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §55-50-405(a)(5)

⁸However, if this is the first time an offender's license has been revoked, they may apply for a new one after only 6 months. §55-50-502(e)(4)

⁹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §55-50-102(12)

¹⁰A "serious traffic violation" includes excessive speeding as defined by the U.S. Secretary of Transportation (i.e., exceeding the speed limit by 15 or more MPH) or reckless driving. §55-50-102(44) & (45) and 49 CFR §383.5

JURISDICTION:

TEXAS

General Reference:

This chapter summarizes Texas State statutes related to speed. Citations are to Vernon's Texas Transportation Code (Tran. Code).

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the circumstances then existing or under the conditions and having regard to actual and potential hazards. Tran. Code §545.351(a) & (b)(1)¹

Statutory Speed Limit:
See Other below.

Operating a vehicle in excess of the following speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)¹

A) 70 MPH during the daytime on "numbered" highways outside an urban district for passenger vehicles² and motorcycles Tran. Code §545.352(b)(2)¹

B) 65 MPH during the nighttime on "numbered" highways outside an urban district for passenger vehicles² and motorcycles Tran. Code §545.352(b)(2)¹

C) 60 MPH during the daytime on highways that are not "numbered" and that are outside of an urban district for passenger vehicles and motorcycles Tran. Code §545.352(b)(3)¹

D) 55 MPH during the nighttime on highways that are not "numbered" and that are outside of an urban district for passenger vehicles and motorcycles Tran. Code §545.352(b)(3)¹

E) 60 MPH outside an urban district unless another speed limit has been established by law. Tran. Code §545.352(b)(4)

F) 30 MPH in an urban district Tran. Code §545.352(b)(1)¹

G) 15 MPH in an alley Tran. Code §545.352(b)(1)¹

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the Texas Transportation Commission may alter the *prima facie* speed limits on State highways and limited-access or controlled highways inside or outside of any municipality.³ Tran. Code §545.353(a) & (f)

¹See also §1 of Ch. 295, Laws of 1995. Sec. 1 of Ch. 295, Laws of 1995, amended §166(a) of Art. 6701d even though such section was repealed and replaced by Tran. Code §§545.351 & 454.352. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 295, Laws of 1995 was enacted after §166(a) of Art. 6701d was repealed and replaced, §1 of this chapter it is given effect.

²The speed limits established for passenger vehicles also apply to (1) vehicles used to transport passengers for hire, (2) vehicles used to transport United States mail and (3) light trucks. Tran. Code §545.352(c) A "light truck" is defined as a truck with a carrying capacity of ≤2,000 lbs. and includes pick-up trucks, panel delivery trucks and carry-all trucks. Tran. Code §545.352(d)(1)

³However, the following limitations apply. A speed limit cannot be established > 70 MPH. And, the speed limits established for per Tran. Code §545.352(b)(5) for certain vehicles outside an urban district cannot be changed. Tran. Code §545.353(d)

TEXAS

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)

II. Based on engineering and traffic investigations, the Texas Turnpike Authority may alter the *prima facie* speed limits on highways under its jurisdiction including those inside or outside any municipality.⁴ Tran. Code §545.354(a) & (d)

III. Based on engineering and traffic investigations, county court commissioners may alter the *prima facie* speed limits on highways under their jurisdiction.⁵ Tran. Code §545.355(a)

IV. Based on engineering and traffic investigations, municipalities may alter the *prima facie* speed limits on highways under their jurisdiction.⁶ Tran. Code §545.356(a) & (b)

V. Texas law gives United States military commanders the authority to alter the *prima facie* speed limits on state highways within a United States military reservation.⁷ Tran. Code §545.358

VI. Based on investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish safe maximum speed limits for bridges or other elevated structures under their jurisdiction. Tran. Code §545.361(e)

Minimum Speed Limit:

No person shall drive so slowly as to impede the normal and reasonable movement of traffic. Tran. Code §545.363(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Texas Transportation Commission, the Texas Turnpike Authority or a local government may establish minimum speed limit for any highway under their jurisdiction. Tran. Code §545.363(b)

Other:

I. Operating the following types of vehicles in excess of the given speed limits is *prima facie* evidence that such speed is not reasonable and prudent and is unlawful. Tran. Code §545.352(a)¹

A) A house trailer weighing >4,500 lbs. or >32 ft. cannot be towed >45 MPH outside an urban district. Tran. Code §545.352(b)(5)(A)¹

B) A school bus cannot be driving >50 MPH outside an urban district. Tran. Code §545.352(b)(5)(B)¹

C) 60 MPH during the daytime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semitrailer) and for other towed vehicles Tran. Code §545.352(b)(5)(C)¹

⁴However, a speed limit cannot be established > 70 MPH. Tran. Code §545.354(f)(2)

⁵However, a speed limit cannot be established > 60 MPH. Tran. Code §545.355(a)

⁶However, a speed limit cannot be established > 60 MPH. Tran. Code §545.356(a) & (b) Also, if there is a conflict in the established speed limits by a municipality and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359

⁷However, a speed limit cannot be established > 60 MPH. Tran. Code §545.358 Also, if there is a conflict in the established speed limits by the U.S commander and the Texas Transportation Commission for any highway, the speed limit established by the State prevails. Tran. Code §545.359

Basis for a Speed Law Violation: (continued)

Other: (continued)

- D) 55 MPH during the nighttime on highways that are outside of an urban district for trucks (e.g., truck tractor, trailer, or semitrailer) and for other towed vehicles Tran. Code §545.352(b)(5)(C)¹
- II. 30 MPH is the maximum speed limit in a county park that borders the Gulf of Mexico. Tran. Code §750.002
- III. A vehicle equipped with solid rubber or cushion tires may be operated > 10 MPH. Tran. Code §545.361(b)
- IV. Self-propelled agricultural machinery used for planting "food materials" and not designed for transportation purposes may not be operated > 30 MPH. Tran. Code §545.361(d)
- V. A person may not operate a vehicle on a beach > 25 MPH during the daytime or > 20 MPH during the nighttime. Tran. Code §545.364

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Misdemeanors. Tran. Code §§542.301 & 750.002(b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

\$1 to \$200 Tran. Code §§542.401 & 750.002(b)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action (Susp/Rev):

Suspension or Revocation at the discretion of the licensing agency. This action is based on either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.⁸ Tran. Code §§521.163, 521.294(a) & (b)(4)⁹

⁸An "habitual violator" is defined as a person who has committed either 4 or more traffic offenses within 12 months or 7 or more offenses within 24 months. Tran. Code §521.294(h)

⁹See also §2 of Ch. 434, Laws of 1995. Sec. 2 of Ch. 434, Laws of 1995, amended §22(b) of Art. 6787b even though such section was repealed and replaced by Tran. Code §521.294. See Ch. 165, Laws of 1995. However, because of the provisions of Government Code §311.031(c) and the fact that, Ch. 434, Laws of 1995, was enacted after §22(b) of Art. 6687b was repealed and replaced, §2 of this chapter it is given effect.

TEXAS

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):

Revocation-Indefinite Period Tran. Code §521.306(a)
Suspension-Not more than 1 year Tran. Code §521.306(b)

Mandatory Minimum Term of
Withdrawal:

Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)
Suspension-None A suspension may be probated and is, therefore, not mandatory.¹⁰ Tran. Code §521.303(a)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor Tran. Code §§542.301(b) & 545.420

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

\$1 to \$200 Tran. Code §542.401

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension or Revocation at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.⁸ Tran. Code §§521.163, 521.294(a) & (b)(4)⁹

Length of Term of

Licensing Withdrawal:

Revocation-Indefinite Period Tran. Code §521.306(a)
Suspension-Not more than 1 year Tran. Code §521.306(b)

Mandatory Action--Minimum

Length of License

Withdrawal:

Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)
Suspension-None A suspension may be probated and is, therefore, not mandatory.¹⁰ Tran. Code §521.303(a)

Other:

Reckless Driving:

Misdemeanor Tran. Code §545.401(a) & (b)

Sanction:

Criminal:

Imprisonment (Term):

Not more than **30 days** Tran. Code §545.401(b)(2)

Mandatory Minimum Term

of Imprisonment:

None

¹⁰If a license suspension is probated, the offender must be placed on probationary status for a period of 90 days to 2 years. Tran. Code §521.303(c)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Fine (\$ Range):

Not more than \$200 Tran. Code §545.401(b)(1)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension or Revocation at the discretion of the licensing agency. This action is based either (1) on habitually reckless or negligent vehicle operation or (2) on habitual violation of the traffic laws.⁸ Tran. Code §§521.163, 521.294(a) & (b)(4)⁹

Length of Term of License

Withdrawal Action:

Revocation-Indefinite Period Tran. Code §521.306(a)

Suspension-Not more than 1 year Tran. Code §521.306(b)

Mandatory Term of License

Withdrawal Action:

Revocation-The revocation period **cannot** be probated and, therefore, appears to be mandatory. Tran. Code §521.306(a)

Suspension-None A suspension may be probated and is, therefore, not mandatory.¹⁰ Tran. Code §521.303(a)

Other:

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. Tran. Code §522.081(a)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Tran. Code §522.081(a)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Tran. Code §522.003(5)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. Tran. Code §522.003(25)

TEXAS

SPEED LAWS

JURISDICTION:

UTAH

General Reference:

This chapter summarizes Utah State statutes related to speed.
Utah Code Annotated and Utah Administrative Code (UAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person may not operate a vehicle at a speed greater than is reasonable and prudent under the existing conditions, giving regard to the actual and potential hazards then existing. §41-6-46(1)

**Statutory Speed Limit:
See Other below.**

If the following speed limits are exceeded, it is *prima facie* evidence that such speed was not reasonable or prudent. §41-6-46(3)
A) 55 MPH, except as note, on highways or streets §41-6-46(2)(c)
Note: See "I" under Posted Speed limits below.
B) 25 MPH in an urban district §41-6-46(2)(b)
C) 30 MPH in a school zone §41-6-46(2)(a)

Posted (Maximum) Speed Limit:

I. Based on traffic engineering and safety studies, the State Department of Transportation may establish different speed limits on highways under its jurisdiction.¹ §41-6-47(1) & (2) **Important.** The maximum posted speed limit cannot be >65 MPH on regular highways or >75 MPH on limited access ones. §41-6-47(3)(a)
II. Based on traffic engineering and safety studies, a local government may establish different speed limits on highways under its jurisdiction. §41-6-48(1) & (2) **Important.** The maximum posted speed limit cannot exceed those noted above. §§41-6-47(3)(a) & 41-6-48(1)
III. Based on an investigation, the State Department of Transportation may establish a safe maximum speed for any bridge or elevated structure. §41-6-50

Minimum Speed Limit:

A person may not operate a motor vehicle at a speed so slow as to impede or block the normal and reasonable movement of traffic. §41-6-49(1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Department of Transportation or a local government may, on highways under their respective jurisdictions, establish a minimum speed limit for a highway. §41-6-49(3)

Other:

The governor may by proclamation alter speed limits on State highways in time of war or emergency. §41-6-46(4)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Class C Misdemeanors. §41-6-12(1)

Other:

¹This includes the establishment of different highway speed limits either (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for highway construction, (4) for various weather conditions or (5) for other highway safety factors. §41-6-47(2)

UTAH

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Not more than **90 days** §76-3-204(3)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Not more than **\$750** §76-3-301(1)(e)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708-14-5

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System² based either on frequent traffic law violations. §53-3-221(1)(f)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §53-3-221(8)(a)

Mandatory Minimum Term of

Withdrawal:

None Note: License suspension action is discretionary with the licensing agency.

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Class C Misdemeanor §§41-6-12(1) & 41-6-51

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Not more than **90 days** §76-3-204(3)

Mandatory Minimum Term:

None

Fine (\$ Range):

Not more than **\$750** §76-3-301(1)(e)

Mandatory Minimum Fine:

None

²**Point System. I. Offenders ≥ 21 Years Old.** An offender, who accumulates either 200 to 399 points, 400 to 599 points or ≥ 600 points is subject to respectively either a 3 month, 6 months or 1 year license suspension. UAC R708-14-4 **Offenders ≥ 16 but < 21 Years Old.** An offender, who accumulates either 140 to 199 points are subject to license "denial" for 30 days. If after first denial they accumulate 140 to 199 points within 3 years, they are subject to a 60 day license denial. And, if after a second denial they accumulate 140 or more points within 3 years, they are subject to a 90 day license denial. In addition, if an offender accumulates 200+ points, 250+ points, 350+ points or 450+ points, they are subject or respectively 60 day, 90 day, 6 month or 1 year license suspension. UAC R708-14-5 II. The following points have been assigned to speeding and speed related traffic law violations: Reckless driving-80 points; racing/drag racing/acceleration contest-60 points; speeding too fast for conditions-50 points; speeding 0 to 9 MPH over the speed limit-35 points; speeding 10 to 19 MPH over the speed limit-55 points; speeding ≥ 20 MPH over the speed limit-75 points; driving too slow-50 points; and, speeding violation on an interstate under 71 MPH where there is no accident-35 or 55 points. UAC R708-14-5a

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Suspension via a Point System² based either on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3-221(1)(d) & (f)

Length of Term of

Licensing Withdrawal:

Not more than **1 year** §53-3-221(8)(a)

Mandatory Action--Minimum

Length of License

Withdrawal:

None Note: License suspension action is discretionary with the licensing agency.

Other:

An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708-14-5

Reckless Driving:

Sanction:

Class B Misdemeanor §41-6-45(1) & (2)

Criminal:

Imprisonment (Term):

1st or subsequent offense-Not more than **6 months** §76-3-204(2)

Mandatory Minimum Term

of Imprisonment:

1st offense-5 days Subsequent offense-10 days §41-6-45(2) Note: As alternative to mandatory imprisonment, the offender may be required to only pay the minimum mandatory fine. §41-6-45(2)

Fine (\$ Range):

1st or subsequent offense-Not more than **\$1,000** §76-3-301(1)(d)

Mandatory Minimum Fine:

1st offense-\$25 Subsequent offense-\$50 Note: As alternative the mandatory fines, an offender may be required to serve the above mandatory incarceration periods. §41-6-45(2)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System² based either on (1) a conviction of a serious traffic offense or (2) frequent traffic law violations. §53-3-221(1)(d) & (f) 2nd offense (within 12 months)-**Revocation** §53-3-220(1)(a)(viii)

Length of Term of License

Withdrawal Action:

Suspension-Not more than **1 year** §53-3-221(8)(a) Revocation-1 year §53-3-225(1)(a)

Mandatory Term of License

Withdrawal Action:

Suspension-**None** Note: License suspension action is discretionary with the licensing agency. Revocation-1 year §§53-3-220(1)(a)(viii)& 53-3-225(1)(a)

Other:

An offender may reduce the number of points on their driving record by completing a Defensive Driving Course. UAC R708-14-4 & R708-14-5

UTAH

Commercial Motor Vehicle (CMV) Operators³:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁴ within a 3 year period or (2) commit 3 such violations within a 3 year period. §53-3-414(6)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §53-3-414(6)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §53-3-414(6)

³A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §53-3-102(5)(a)

⁴A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §53-3-402(16)(a) & (b)

JURISDICTION:

VERMONT

General Reference:

This chapter summarizes Vermont State statutes related to speed.
Vermont Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions, having regard for the actual and potential hazards then existing. Title 23, §1081(a)

**Statutory Speed Limit:
See Other below.**

50 MPH on any highway Title 23, §1081(b)

Posted (Maximum) Speed Limit:

- I. The State may establish via regulations¹ speed limits for interstate, limited access and controlled access highways. Title 23, §§1004(a) & 1081(c)
- II. Based on engineering and traffic investigations, the State may increase or decrease the maximum speed limit on non-interstate highways.² Title 23, §§1003 & 1081(c)
- III. Based on engineering and traffic investigations, a local government may increase or decrease the maximum speed limit on highways or streets under its jurisdiction. However, no speed limit shall be > 50 MPH or < 25 MPH. Title 23, §§1007(a) & (b) and 1081(c)
- IV. Based upon an investigation, the State may establish a safe maximum speed for any bridge or elevated structure. Title 23, §1083(b) & (c)

Minimum Speed Limit:

Note: Although this State does not have a minimum speed rule, it does have a statute that requires a person, who is impeding traffic, to "pull off the highway at the first opportunity to allow the traffic to pass before proceeding." Title 23, §1082

Posted (Minimum) Speed Limit:

Other:

- I. A local government may establish special speed limits via regulations for construction zones or for special occasions. Title 23, §§1010 & 1081(c)
- II. A person shall not drive a vehicle that is equipped with iron, steel or solid rubber tires > 10 MPH. Title 23, §1083(a)
- III. No person shall tow a trailer³ > 35 MPH. Title 23, §1083(d)

¹These regulations are promulgated only after formal public notices and hearings. Title 23, §1004(a) Note: Unlike non-interstate highways, Vermont law does not specifically state whether for interstate, limited access or controlled access highways, different speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

²On these highways, different speed limits may be established (1) for different types of vehicles (e.g. persons, who operate certain types of trucks may be required to drive at a slower speed than those who operate other types of motor vehicles), (2) for different times of the day, (3) for various weather conditions and (4) for other factors bearing on safe speeds. Title 23, §1003

³This applies only to trailers that are exempt from certain weight requirements of Title 23, §1307.

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Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Violations⁴ and are Considered Civil Actions. Title 23, §2302(a)(1) & (b)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

None

Mandatory Minimum Term:

Fine:

Amount (\$ Range):

Not more than \$175⁵ Title 23, §§1707 & 2302(c)
Not more than \$50 for exceeding the maximum safe speed for a bridge
or elevated structure. Title 23, §§1083(b) & 1096(a)

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

An offender may be required to attend a driver retaining course. Title
23, §§721 & 722

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension via a Point System⁶ Title 23, §2501 et seq.

Term of License Withdrawal

(Days, Months, Years, etc.):

≥30 days⁶ Title 23, §2506

Mandatory Minimum Term of

Withdrawal:

Suspensions under the Point System appear to be mandatory. Title 23,
§2506

⁴On July 1, 1990, most violations of the traffic laws became civil violations. Title 23, §§2204 & 2301 et seq.

⁵Fine Schedule. The law provides that the court with the authority to establish a fine schedule for traffic offenses. The fines established must be within the maximum limits provided by law. Title 23, §2302(d)

⁶Point System. I. An offender is subject to license suspension if they accumulate at least 10 points within a 2 year period. Title 23, §2505 The following suspension periods are imposed for the indicated point accumulations: 10 day suspension for 10 points; 30 days suspension for 15 points; 90 day suspension for 20 points. And, an additional 30 day suspension for each additional 5 points. Title 23, §2506 II. The following points have been assigned to speeding and speed related offenses: Violation of regulations governing speed on interstate highways-2 points; violation of basic speed rule and maximum speed limit-2 points; violation of slow moving vehicle law-2 points; violation of special speed limits under Title 23, §1083-2 points; negligent vehicle operation-10 points; exceeding the posted State or local speed limit by < 10 MPH-2 points; exceeding the posted State or local speed limit by > 10 but ≤20 MPH-3 points; exceeding the posted State or local speed limit by > 20 but ≤30 MPH-5 points; and, exceeding the posted State or local speed limit by > 30 MPH-8 points. Title 23, §2502

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

<u>Excessive Speed</u> ⁷ :	Misdemeanor Title 13, §1 & Title 23, §1097
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 3 months <u>2nd offense</u> -Not more than 6 months Title 23, §1097
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense</u> -Not more than \$300 <u>2nd offense</u> -Not more than \$500 Title 23, §1097
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension via a Point System ⁶ Title 23, §2501 et seq.
Length of Term of Licensing Withdrawal:	≥30 days ⁶ Title 23, §2506
Mandatory Action--Minimum Length of License Withdrawal:	Suspensions under the Point System appear to be mandatory. Title 23, §2506
Other:	An offender may be required to attend a driver retaining course. Title 23, §§721 & 722
<u>Negligent Motor Vehicle Operation</u> ⁸ :	Misdemeanor Title 13, §1 & Title 23, §1091(a)(3)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense</u> -Not more than 1 year <u>Subsequent offense</u> -Not more than 2 years Title 23, §1091(a)(3)
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense</u> -Not more than 1,000 <u>Subsequent offense</u> -Not more than \$3,000 Title 23, §1091(a)(3)
Mandatory Minimum Fine:	None

⁷"Excessive speed" is defined as operating a motor vehicle either > 60 MPH or > 30 MPH "in excess of a state speed zone or local speed limit." Title 23, §1097

⁸The standard for "negligence" is "ordinary negligence" using the usual standard "of duty to exercise ordinary care." Title 23, §1091(a)(2)

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Other Criminal Actions Related to Speeding:
(continued)

Negligent Motor Vehicle Operation:

(continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Suspension⁹ Title 23, §2506

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506 Note: These suspensions appear to be mandatory.

Other:

An offender may be required to attend a driver retaining course. Title 23, §§721 & 722

Grossly Negligent Motor Vehicle Operation¹⁰:

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st offense-Misdemeanor Subsequent offense-Felony Offense Involving Either Serious Bodily Injury or Death-Felony Title 13, §1 & Title 23, §1091(b)(3)

1st offense-Not more than 2 years Subsequent offense-Not more than 4 years Offense Involving either Serious Bodily Injury or Death-Not more than 15 years Title 23, §1091(b)(3)

Mandatory Minimum Term:

Fine (\$ Range):

None

1st offense-Not more than \$5,000 Subsequent offense-Not more than \$10,000 Offense Involving either Serious Bodily Injury or Death-Not more than \$15,000 Title 23, §1091(b)(3)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Suspension⁹ Title 23, §2506

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506

Mandatory Action--Minimum

Length of License

Withdrawal:

1st offense-30 days⁹ 2nd offense-90 days⁹ Subsequent offense-6 months⁹ Title 23, §2506 Note: These suspensions appear to be mandatory.

⁹Suspension can also be via the **Point System**. Licensing action under this system must be imposed if it would result in a longer suspension periods. Title 23, §2506

¹⁰"Gross negligence" is defined as "conduct which involved a gross deviation from the care that a reasonable person would have exercised in that situation." Title 23, §1091(b)(2)

Other Criminal Actions Related to Speeding:
(continued)

Grossly Negligent Motor Vehicle Operation:
(continued)

Other: An offender may be required to attend a driver retaining course. Title 23, §§721 & 722

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification: A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² within a 3 year period or (2) commit 3 such violations within a 3 year period. Title 23, §4116(d)

Period of Disqualification: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 23, §4116(d)

Period of Mandatory Disqualification: 2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** Title 23, §4116(d)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport more than 15 persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. Title 23, §4103(4)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or careless or negligent driving. Title 23, §4103(16)

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SPEED LAWS

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JURISDICTION:

VIRGINIA

General Reference:

This chapter summarizes Virginia State statutes related to speed.
Code of Virginia Annotated and Virginia Administrative Code (VAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

A person cannot drive so as to exceed a reasonable speed under the circumstances and traffic conditions existing at the time, regardless of any posted speed limit.¹ §46.2-861

**Statutory Speed Limit:
See Other below.**

65 MPH on rural interstate highways and certain highways constructed by the Virginia Highway Corporation §46.2-870 (¶3)
55 MPH on other interstate highways, limited access highways with divided roadways, nonlimited access highways with 4 or more lanes and all State primary highways §46.2-870 (¶1)
55 MPH on all other highways for passenger motor vehicles, busses, pickup or panel trucks or motorcycles §46.2-870 (¶2)
45 MPH on all other highways for trucks, tractor trucks, a combination of vehicles designed to transport property or a vehicle which is towing either another motor vehicle or a house trailer §46.2-870 (¶2)
35 MPH on highways within a city or town excluding interstate or other limited access divided highways §46.2-875

Posted (Maximum) Speed Limit:

I. Based on traffic engineering investigations, the Commonwealth Transportation Commission or other authority may increase or decrease the maximum speed limits on any highway under its jurisdiction.² §46.2-878
II. Based on an investigation, the Commonwealth Transportation Commission may establish a safe maximum speed limit for public bridges, causeways, viaducts or tunnels. §46.2-881

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §46.2-877 (¶1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, either the State or a local government may establish a minimum speed for a highway. §46.2-877 (¶2)

Other:

I. A school bus cannot be driven > 55 MPH on interstate highways or > 45 MPH on other highways. In additions, such a vehicle cannot be driven > 35 MPH when taking on or discharging children between the first and last stop (not including the school). §46.2-871
II. Vehicles operating under a special permit issued by the Commonwealth Transportation Commissioner under §46.2-1139 cannot be driven > 10 MPH. §46.2-872
III. The maximum speed limit in a school zone is 20 MPH. §46.2-873
IV. Special speed limits may be established for highway work zones. §46.2-878.1

¹Driving too fast for conditions is a reckless driving offense. §46.2-861

²The Commonwealth Transportation Commissioner may establish different speed limits for different time of the day. §46.2-878
However, Virginia law does not specifically state whether different speed limits may be established for different types of vehicles or for various weather conditions.

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Basis for a Speed Law Violation: (continued)

Other: (continued)

V. The maximum speed for passenger vehicles, that are towing utility, camping or boat trailers having gross weight of $\leq 2,500$ lbs., shall be the same as for other passenger vehicles. §46.2-876

VI. Special speed limits may be established for highway work zones when worker are present. §46.2-878.1

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

A Violation of the Basic Speed Rule is a Class 1 Misdemeanor. §§46.2-861 & 46.2-868 All Other Speed Law Violations are Traffic Infractions. §§46.2-113, 46.2-878.1 & 46.2-878.2

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

Class 1 Misdemeanor-Not more than **12 months** §18.2-11(a)

Traffic Infraction-None

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Class 1 Misdemeanor-Not more than **\$2,500** §18.2-11(a)

Traffic Infraction-Not more than **\$200**³ §§46.2-113 & 46.2-878.2⁴

Mandatory Min. Fine (\$):

None

Other Penalties:

Traffic School:

The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

Other:

Licensing Action:

Type of Licensing Action (Susp/Rev):

I. Class 1 Misdemeanor Offense-Suspension §46.2-392 (¶1)

II. Suspension via a Point System⁵ §§46.2-492 et seq.

³The fine for exceeding the maximum posted speed limit in a work zone is not more than **\$250**. §46.2-878.1

⁴Sec. 46.2-878.2 makes it a traffic infraction with fine of not more than **\$200** to exceed the maximum posted speed limit on a highway in a residential district.

⁵**Point System.** I. An offender's license is subject to suspension if they accumulate 18 points within 12 months or 24 points within 24 months. §46.2-506 II. The following points have been assigned to speeding and speed related offenses: Reckless driving-6 points; speeding ≥ 20 MPH above the speed limit-6 points; racing on the highway-6 points; speeding 10 to 19 MPH above the speed limit-4 points; exceeding a reasonable speed-3 points; improper driving-3 points; speeding 1 to 9 MPH above the speed limit-3 points; and, impeding traffic-3 points. §46.2-492 and Title 24 VAC 20-30-40 (Rule 3.1), 20-30-50 (Rule 3.2) & 20-30-60 (Rule 3.3)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Term of License Withdrawal
(Days, Months, Years, etc.):

I. Class 1 Misdemeanor Offense-10 days to 6 months §46.2-392 (¶1)
II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506 (B)

Mandatory Minimum Term of
Withdrawal:

I. Class 1 Misdemeanor Offense-None §46.2-392 (¶1) Note: This court action is discretionary. In addition, if the court orders suspension, it may, nevertheless, issue an offender restricted driving privileges for employment, educational or medical purposes. §46.2-392 (¶3)
II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway⁶:
Sanctions:

Class 1 Misdemeanor §§46.2-865 & 46.2-868

Criminal Sanction:

Not more than **12 months** §18.2-11(a)

Imprisonment (Term):

None

Mandatory Minimum Term:

Fine (\$ Range):

Not more than **\$2,500** §18.2-11(a)

Mandatory Minimum Fine:

None

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

1st, 2nd & 3rd offense-Suspension §46.2-865 4th offense-Revocation §46.2-394

Length of Term of

Licensing Withdrawal:

Suspension-6 months to 2 years §46.2-865 Revocation-5 years §46.2-394

Mandatory Action--Minimum

Length of License

Withdrawal:

Suspension-6 months §46.2-865 Revocation-5 years §46.2-394 Note: These licensing actions appears to be mandatory.

Other:

I. If the offense occurred as a result of a race that was prearranged, organized or planned, the vehicle used and owned by an offender must be forfeited to the State. §46.2-867
II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505
III. An offender also accumulates points for this offense.⁴

⁶Racing on the highways is a reckless driving offense. §46.2-865

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Other Criminal Actions Related to Speeding:
(continued)

<u>Exceeding the Speed Limit</u> ⁷ :	Class 1 Misdemeanor §§46.2-862 & 46.2-868
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 12 months §18.2-11(a)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$2,500 §18.2-11(a)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	I. Suspension via Court Order §46.2-393 II. Suspension via a Point System ⁵ §§46.2-492 et seq.
Length of Term of Licensing Withdrawal:	I. Suspension via Court Order- 60 days to 6 months §46.2-393 II. Suspension via a Point System- 90 days or until the offender completes a driver improvement clinic §46.2-506 (B)
Mandatory Action--Minimum Length of License Withdrawal:	I. Suspension via Court Order- None Note: This licensing action is discretionary with the court. II. Suspension via a Point System- 90 days or until the offender completes a driver improvement clinic §46.2-506(B) Note: This licensing action appears to be mandatory.
Other:	The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505
<u>Reckless Driving</u> ⁸ :	Class 1 Misdemeanor §§46.2-852, 46.2-864 ⁹ & 46.2-868
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 12 months §18.2-11(a)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$2,500 §18.2-11(a)
Mandatory Minimum Fine:	None

⁷"Exceeding the speed limit" offense is a reckless driving offense and is defined to mean driving either (1) ≥ 20 MPH over the maximum posted speed limit of 30 MPH; (2) ≥ 60 MPH over the maximum posted speed limit of 35 MPH; (3) ≥ 20 MPH over the maximum posted speed limit of 40 MPH; or, (4) ≥ 80 MPH regardless of the maximum posted speed limit. §46.2-862

⁸In this State, "reckless driving" is defined as driving "a vehicle on any highway recklessly or at a speed or in a manner so as to endanger the life, limb, or property of any person." §46.2-852 **Important.** Under Virginia law, the term "reckless driving offense" also includes numerous moving violations.

⁹Under §46.2-864, a person commits a reckless driving offense if they operate a "motor vehicle at a speed or in a manner so as to endanger the life, limb, or property of any person" on a church, school, recreational facility, business property open to the public or the public parking space of an industrial establishment.

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

- I. **Suspension** via Court Order §46.2-392 (¶1)
- II. **Suspension** via a Point System⁵ §§46.2-492 et seq.

Length of Term of License
Withdrawal Action:

- I. Suspension via Court Order-**10 days to 6 months**¹⁰ §46.2-392 (¶1)
- II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §46.2-506 (B)

Mandatory Term of License
Withdrawal Action:

- I. Suspension via Court Order-**None** Note: This court action is discretionary. In addition, if the court orders suspension, it may, nevertheless, issue an offender restricted driving privileges for employment, educational or medical purposes. §46.2-392 (¶3)
- II. Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.

Other:

- I. If the offender has caused the death of another person, the discretionary suspension period is not more than **12 months**. §46.2-396
- II. The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

Improper Driving¹¹:

Sanction:

Traffic Infraction §46.2-869

Criminal:

None

Imprisonment (Term):

Mandatory Minimum Term
of Imprisonment:

Fine (\$ Range):

Not more than **\$500** §46.2-869

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action
(Susp/Rev):

Suspension via a Point System⁵ §§46.2-492 et seq. Length of Term of License

Length of Term of License
Withdrawal Action:

Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506 (B)

¹⁰For a violation of §46.2-864, the discretionary suspension period is **60 days to 6 months**. §46.2-393

¹¹The court may reduce any reckless driving offense to improper driving if "the degree of culpability is slight." §46.2-869 **Important.** Under Virginia law, "improper driving" is not a defined crime. As such, law enforcement offices do not charge a person with this offense. Instead, a driver is normally charged with an offense which has been "labeled" as "reckless driving" and, if the circumstances warrant, the court reduces such charge to "improper driving" for sentencing purposes.

VIRGINIA

Other Criminal Actions Related to Speeding:
(continued)

Improper Driving: (continued)

Mandatory Term of License

Withdrawal Action:

Suspension via a Point System-**90 days** or until the offender completes a driver improvement clinic §§46.2-506(B) Note: This licensing action appears to be mandatory.

Other:

The court or licensing agency may order an offender to attend a Driver Improvement Clinic. §§46.2-498 & 46.2-505

Commercial Motor Vehicle (CMV) Operators¹²:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹³ within a 3 year period or (2) commit 3 such violations within a 3 year period. §46.2-341.20(B)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §46.2-341.20(B)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §46.2-341.20(B)

¹²A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §46.2-341.4

¹³A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §46.2-341.20(A)(1) & (2)

JURISDICTION:

VIRGIN ISLANDS

This chapter summarizes Virgin Island statutes related to speed.
Virgin Islands Code (Updated through 1995)

General Reference:

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a motor vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. Title 20, §494(a)

Statutory Speed Limit:

55 MPH (40 MPH for trucks or busses) on the Melvin H. Evans Highway on St. Croix Title 20, §494(b) & (c)
40 MPH on certain portions of Centerline Road¹ Title 20, §494(b)
35 MPH for motorcars, pick-up trucks or motorcycles outside town limits Title 20, §494(b)
20 MPH for motorcars, pick-up trucks or motorcycles within town limits Title 20, §494(b)
30 MPH for trucks or busses outside town limits Title 20, §494(c)
10 MPH for trucks or busses within town limits Title 20, §494(c)

Posted (Maximum) Speed Limit:

I. The Police Commissioner² may reduce the above maximum speed limits where there such action "is necessary for the public safety." Title 20, §494(e) Note: Virgin Island law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. The Police Commissioner is authorized to establish maximum speed limits of not >20 MPH on streets and roads in housing projects or developments. Title 20, §494(f)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede, hinder or obstruct the normal and reasonable movement of traffic. Title 20, §494a(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the Police Commissioner may establish minimum speed limits on a highway. Title 20, §494a(b)

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. Title 14, §§1 & 2 and Title 20, §544(f)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years, Etc.):

Not more than **6 months** Title 20, §544(f)

¹This speed limit applies on "Centerline Road west of King's Hill in St. Croix." Title 20, §494(b)

²Such action is subject to approval by the governor. Title 20, §494(e)

VIRGIN ISLANDS

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Mandatory Minimum Term:	None
Fine:	
Amount (\$ Range):	Not more than \$200 Title 20, §544(f)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Revocation via Court Order Title 20, §546
Term of License Withdrawal (Days, Months, Years, etc.):	The court fixes the revocation period which may be either permanent or temporary. Title 20, §546
Mandatory Minimum Term of Withdrawal:	None The court's action is discretionary. Title 20, §546
Miscellaneous Sanctions	
Not Included Elsewhere:	Persons <18 Years Old. Offender's, who are <18 years old, are subject to the following sanctions: A fine ≤ 100 ; court ordered license revocation (court determines revocation period); and, vehicle owned and operated by the offender impounded ≤ 60 days. Title 20, §550

Other Criminal Actions Related to Speeding:

<u>Reckless Driving:</u>	
Sanction:	Misdemeanor Title 14, §§1 & 2 and Title 20, §§492 & 544(a)
Criminal:	
Imprisonment (Term):	Not more than 6 months Title 20, §544(a)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$500 Title 20, §544(a)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Revocation via Court Order Title 20, §546
Length of Term of License Withdrawal Action:	The court fixes the revocation period which may be either permanent or temporary. Title 20, §546
Mandatory Term of License Withdrawal Action:	None The court's action is discretionary. Title 20, §546
Other:	Limited Vehicle Impoundment. For failure to appear in court on reckless driving offense, an offender's vehicle may be impounded for such time as the court thinks proper. Title 20, §544(c)

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving:

Other: (continued)

Persons <18 Years Old. Offender's, who are <18 years old, are subject to the following sanctions: A fine ≤100; court ordered license revocation (court determines revocation period); and, vehicle owned and operated by the offender impounded ≤60 days. Title 20, §550

Negligent Driving³:

Sanction:

Misdemeanor Title 14, §§1 & 2 and Title 20, §§503 & 544(f)

Criminal:

Imprisonment (Term):

Not more than 6 months Title 20, §544(f)

Mandatory Minimum Term
of Imprisonment:

None

Fine (\$ Range):

Not more than \$200 Title 20, §544(f)

Mandatory Minimum Fine:

None

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Revocation via Court Order Title 20, §546

Length of Term of License

Withdrawal Action:

The court fixes the revocation period which may be either permanent or temporary. Title 20, §546

Mandatory Term of License

Withdrawal Action:

None The court's action is discretionary. Title 20, §546

Other:

Persons <18 Years Old. Offender's, who are <18 years old, are subject to the following sanctions: A fine ≤100; court ordered license revocation (court determines revocation period); and, vehicle owned and operated by the offender impounded ≤60 days. Title 20, §550

³"Negligent driving" means "the operations of a vehicle upon the public highways of this Territory in such a manner as to endanger or be likely to endanger any person or property." Title 20, §503 Note: This section also provides that negligent driving is a lesser included offense of reckless driving.

VIRGIN ISLANDS

JURISDICTION:

WASHINGTON

General Reference:

This chapter summarizes Washington State statutes related to speed. Revised Code of Washington Annotated and Washington Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing.¹ §46.61.400(1) & (3)

**Statutory Speed Limit:
See Other below.**

60 MPH on State highways §46.61.400(2)(c) **Important.** See "II" below under Posted (Maximum) Speed Limit below.
50 MPH on county roads §46.61.400(2)(b)
25 MPH on city or town streets §46.61.400(2)(a)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Secretary of Transportation may decrease the above maximum speed limit on any State highway.² §46.61.405
II. Based on engineering and traffic investigations, the State Secretary of Transportation may increase the above maximum speed limit on any State highway.² However, a posted speed limit cannot be >70 MPH. §64.61.410(1)(a)
III. Based on engineering and traffic investigations, a local government may increase or decrease the above maximum speed limits on streets and roads under its jurisdiction.² However, a posted speed limit cannot be established >60 MPH or <20 MPH. §46.61.415(1) & (2)
IV. The State Secretary of Transportation or a local government may establish maximum speed limits for bridges, elevated structures, tunnels or underpasses within their jurisdiction. §46.61.450
V. 15 MPH in State park camps, picnic, headquarters or general public assemblage areas or 25 MPH in other park areas. WAC 352-20-030

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §46.61.425(1)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Secretary of Transportation or a local government, may establish a minimum speed limit for highways, streets or roads within their jurisdiction. §46.61.425(2)

¹In addition, persons are required to exercise "due care and caution" when operating a motor vehicle. §46.61.445 Also, in a State park, a person shall not operate a motor vehicle at a speed greater than is reasonable and prudent, having due regard for the traffic on, and the surface and width of the road, and in no event at a speed which endangers the safety of persons, property, or wildlife. WAC 352-20-030

²I. The State Secretary of Transportation has the authority to alter speed limits on State highways even if such highways are within the limits of a town or city. §46.61.430 In order to avoid a conflict of authority, a city or town, desiring to alter a speed limit on a State highway within their jurisdiction, must obtain approval from the secretary for such alteration. §46.61.415(5) II. The State Secretary of Transportation also has the authority to establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §46.61.405

WASHINGTON

Basis for a Speed Law Violation: (continued)

- Other:
- I. 60 MPH is the maximum speed limit for vehicles weighing > 10,000 lbs.³
 - II. The maximum speed limit in a school zone is 20 MPH. §46.61.440
 - III. A person cannot operate a vehicle that is equipped with solid rubber or hollow center cushion tires > 10 MPH. §46.61.455

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: Generally, Speed Law Violations are Traffic Infractions. §46.63.020
Important. See Reckless Driving.
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
 - Term (Day, Month, Years, Etc.): None
 - Mandatory Minimum Term:
 - Fine:
 - Amount (\$ Range): Not more than \$250⁴ §46.61.110(1)
 - Mandatory Min. Fine (\$): None
- Other Penalties:
- Traffic School:
 - Other: For traffic infractions, an offender may be allowed to perform community service in lieu of a fine. §46.63.120

³Based on engineering and traffic investigations, the State Secretary of Transportation may establish a lower speed limit for these vehicles. §§46.61.405 & 46.61.410(2)

⁴**Fine Schedule.** The State supreme court is required to establish a monetary penalty schedule for traffic infractions. §46.63.110 Under this law, the court, via a court rule, has established the following fines for speeding offenses. I. For speed limits ≥40 MPH, the following fine schedule applies: 1 to 5 MPH over the speed limit-\$20; 6 to 10 MPH over the speed limit-\$30; 11 to 15 MPH over the speed limit-\$45; 16 to 20 MPH over the speed limit-\$60; 21 to 25 MPH over the speed limit-\$75; 26 to 30 MPH over the speed limit-\$95; 31 to 35 MPH over the speed limit-\$125; 36 to 40 MPH over the speed limit-\$145; > 40 MPH over the speed limit-\$175. II. For speed limits ≤40 MPH, the following fine schedule applies: 1 to 5 MPH over the speed limit-\$30; 6 to 10 MPH over the speed limit-\$35; 11 to 15 MPH over the speed limit-\$50; 16 to 20 MPH over the speed limit-\$70; 21 to 25 MPH over the speed limit-\$95; 26 to 30 MPH over the speed limit-\$120; 31 to 35 MPH over the speed limit-\$145; >35 MPH over the speed limit-\$175. III. The following fine schedule applies for other speeding and speed related offenses: Speeding too fast for conditions-\$35; impeding traffic-\$35; and, speeding in State parks-\$35. Washington Court Rule 6.2

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension Based Upon Frequent Violations ⁵ §46.20.291(3)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §46.20.311(1)
Mandatory Minimum Term of Withdrawal:	None This licensing action is discretionary. ⁶ §46.20.291
Miscellaneous Sanctions Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway</u> ⁷ :	Gross Misdemeanor §§46.61.500(1) & 46.61.530
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 1 year §46.61.500(1)
Mandatory Minimum Term:	None
Fine (\$ Range):	Not more than \$5,000 §46.61.500(1)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension §46.61.500(2) <u>3rd offense</u> (within 2 years)- Revocation §46.20.285(7)
Length of Term of Licensing Withdrawal:	<u>Suspension-30 days to 1 year</u> §§46.61.500(2) & 46.20.311 <u>3rd offense</u> (within 2 years)- Revocation-1 year §§46.20.285(7) & 46.20.311(2)
Mandatory Action--Minimum Length of License Withdrawal:	<u>Suspension-None</u> ⁸ §46.61.500(2) <u>Revocation-3rd offense</u> (within 2 years)- 1 year §§46.20.285(7) & 46.20.311(2)
Other:	

⁵Licensing action is based upon frequent traffic law violations which indicate a disrespect for these laws. §46.20.291(3) A person is considered a frequent violator of the traffic laws if they either commit 4 traffic offenses within 12 months or 5 such offenses within 24 months. WAC 308-104-035

⁶In lieu of suspension, the licensing agency may place the offender on probation on such terms as considers appropriate. §46.20.335 In addition, if the offender's license has been suspended, they may be eligible for occupational driving privileges. §46.20.391

⁷Racing on the highways is considered a reckless driving offense. §46.61.530

⁸An offender is eligible for occupational driving privileges. §46.20.391(1) However, such privileges are **not** available if the offender has had, within 1 year, a previous offense that requires mandatory suspension or revocation. §46.20.391(2)(a)

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Other Criminal Actions Related to Speeding:
(continued)

<u>Reckless Driving</u> ⁹ :	Gross Misdemeanor §46.61.500(1)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 1 year §46.61.500(1)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$5,000 §46.61.500(1)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension §46.61.500(2) 3rd offense (within 2 years)-Revocation §46.20.285(7)
Length of Term of License Withdrawal Action:	Suspension-30 days to 1 year §§46.61.500(2) & 46.20.311 3rd offense (within 2 years)-Revocation-1 year §§46.20.285(7) & 46.20.311(2)
Mandatory Term of License Withdrawal Action:	Suspension-None ⁹ §46.61.500(2) Revocation-3rd offense (within 2 years)-1 year §§46.20.285(7) & 46.20.311(2)
Other:	
<u>Negligent Driving</u> ¹⁰ :	Traffic Infraction §46.61.525(c)
Sanction:	
Criminal:	
Imprisonment (Term):	None
Mandatory Minimum Term of Imprisonment:	
Fine (\$ Range):	Not more than \$250 §46.61.525(c)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	Suspension Based Upon Frequent Violations ⁹ §46.20.291(3)

⁹Exceeding the maximum law speed limit is *prima facie* evidence of reckless driving. §46.61.465 & *State v. Amurri*, 753 P.2d 540 (Wash.App. 1988)

¹⁰Negligent driving (second degree) is defined as operating "a motor vehicle in a manner that is both negligent and endangers or is likely to endanger any person or property." §46.61.525(2)(a) The term "negligent" is defined to mean "the failure to exercise ordinary care, and is the doing of some act that a reasonable careful person would not do under the same or similar circumstances or the failure to do something that a reasonably careful person would do under the same or similar circumstances." §46.61.525(3)(a)

Important. A person commits negligent driving in the first degree, a misdemeanor, if (1) they operate a motor vehicle in a negligent manner likely to endanger persons or property and (2) they exhibit the effects of having consumed alcohol or an illegal drug. It is a defense to this offense if the person had a valid prescription for the drug consumed. The sanctions for this offense are a jail term of not more than 90 days and/or a fine of not more than \$1,000. §§9A.20.010(2), 9A.20.021(3), 46.61.050 & 46.61.525(1)

Other Criminal Actions Related to Speeding:
(continued)

Negligent Driving: (continued)

Length of Term of License

Withdrawal Action:

Not more than **1 year** §46.20.311(1)

Mandatory Term of License

Withdrawal Action:

None This licensing action is discretionary.⁶ §46.20.291

Other:

For traffic infractions, an offender may be allowed to preform community service in lieu of a fine. §46.63.120

Commercial Motor Vehicle (CMV) Operators¹¹:

Grounds for Disqualification:

A person is disqualified from operating a CMV, if within a 3 year period, while driving such a vehicle they either (1) commit 2 "serious traffic violations"¹² or (2) commit 3 such violations. §46.25.090(5)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §46.25.090(5)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §46.25.090(5)

¹¹A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §46.25.010(6)

¹²A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §46.25.010(16)

WASHINGTON

SPEED LAWS

JURISDICTION:

WEST VIRGINIA

General Reference:

This chapter summarizes West Virginia State statutes related to speed. West Virginia Code and West Virginia Code of State Rules (CSR)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person may drive a vehicle at speed greater than is reasonable and prudent under the existing conditions and the actual and potential hazards. §17C-6-1(a)

**Statutory Speed Limit:
See Other below.**

55 MPH on open country highways, controlled-access highways and interstate highways §17C-6-1(b)(3) & (d)
25 MPH in a business or residential district §17C-6-1(b)(2)
15 MPH in a school zone¹ §17C-6-1(b)(1)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State Road Commissioner may increase or decrease the above speed limits on any interstate or State highway. §17C-6-2 Note: West Virginia law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigation, a local government may decrease the above maximum speed limits at intersections. §17C-6-3(a)
III. Local governments may increase the above 25 MPH maximum speed limit on highways within a business or residential district.² However, no speed limit shall be > 55 MPH. §17C-6-3(b)
VI. Based on engineering and traffic investigations, a local government may decrease the above 55 MPH maximum speed limit on open country highways outside a business or residential district.² However, no limit shall be < 35 MPH. §17C-6-3(c)
V. Based upon an investigation, the State Road Commission may establish safe maximum speed limits for bridges or elevated structures. §17C-6-5(b) & (c)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §17C-6-3a(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State Road Commissioner or a local government may establish minimum speed limits for the highways under their jurisdiction. §17C-6-3a(b)

¹This speed limit is in effect "during school recess or while children are going to or leaving school during opening or closing hours." §17C-6-1(b)(1)

²If the speed alteration by a local government applies to a State highway, such alteration must be approved by the State Road Commission. §17C-6-3(d)

WEST VIRGINIA

Basis for a Speed Law Violation: (continued)

Other:

- I. The following speed limits apply to vehicles that are not designed to carry passengers and are equipped with pneumatic tires: 40 MPH on a county road, 25 MPH in a residential district and 20 MPH in a business district.³ §17C-6-4
- II. A vehicle, that is not equipped with pneumatic tires, cannot be driven > 10 MPH. §17C-6-5(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §§17C-6-1(e), 17C-6-3a(c), 17C-6-4 & 17C-18-1(a)

Other:

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

Basic Speed Rule Violation or Exceeding Speed Limit:⁴ 1st offense-None 2nd offense (within 1 year)-None 3rd or subsequent offense (within 2 years)-Not more than 6 months §17C-6-1(e)

Speeding in School Zone: 1st offense-None Subsequent offense (within 2 years)-Not more than 6 months §17C-6-1(e)

Violation of the Minimum Speed Rule or Posted Minimum Speed Limit: 1st offense-None 2nd offense (within 1 year)-None 3rd or subsequent offense (within 2 years)-Not more than 6 months §17C-6-3a(c)

All Other Speed Law Violations:⁵ 1st offense-Not more than 10 days 2nd offense (within 1 year)-Not more than 20 days Subsequent offense-Not more than 6 months §§17C-6-4 & 17C-18-1(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Basic Speed Rule Violation or Exceeding Speed Limit:⁴ 1st offense-Not more than \$100 2nd offense (within 1 year)-Not more than \$200 3rd or subsequent offense (within 2 years)-Not more than \$500 §17C-6-1(e)

Speeding in School Zone: 1st or subsequent offense-\$100 to \$500 §17C-6-1(e)

³Trucks weighing ≤ 8,000 lbs. may be driven at the same speed as passenger cars. §17C-6-4

⁴Penalty for Exceeding the Speed Limit on a Controlled Access Highway. An offender, who exceeds the posted maximum speed limit on a controlled-access highway by < MPH, is only subject to a fine of not more than \$5 plus court costs. In addition, no abstract of the conviction for this offense is to be transmitted to the licensing agency. §17C-6-1(f)

⁵These offenses include violations of §§17C-6-4 and 17C-6-5.

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Fine:	
Amount (\$ Range): (continued)	Violation of the Minimum Speed Rule or Posted Minimum Speed Limit: <u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>3rd or subsequent offense</u> (within 2 years)-Not more than \$500 §17C-6-3a(c) All Other Speed Law Violations: ⁵ <u>1st offense</u> -Not more than \$100 <u>2nd offense</u> (within 1 year)-Not more than \$200 <u>Subsequent offense</u> -Not more than \$500. §17C-18-1(b)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	If an offender successfully completes a Driver Improvement Program, they may have points deducted from their driving record. CSR §91-5-8
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	Suspension Based on Frequent Violation of the Traffic Laws ⁶ §17B-3-6(a)(3) & (4)
Term of License Withdrawal (Days, Months, Years, etc.):	Not more than 1 year §17B-3-8
Mandatory Minimum Term of Withdrawal:	None License action is discretionary. §17B-3-6(a)
Miscellaneous Sanctions	
Not Included Elsewhere:	

Other Criminal Actions Related to Speeding:

<u>Racing on Highway:</u>	Misdemeanor §17C-6-8(a) & (b)
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	<u>1st offense</u> -None <u>2nd offense</u> -6 to 60 days <u>Subsequent offense</u> -60 days to 4 months §17C-6-8(b)
Mandatory Minimum Term:	None
Fine (\$ Range):	<u>1st offense</u> -\$50 to \$100 <u>2nd offense</u> -\$50 to \$500 <u>Subsequent offense</u> -\$100 to \$1,000 §17C-6-8(b)
Mandatory Minimum Fine:	None

⁶**Point System.** The licensing agency has established the following point system to assist it identifying offenders who may be subject to licensing action because of frequent violations of the traffic laws. I. When an offender has accumulated 12 points, they may be subject to either a warning letter, probation for not more than 1 year or license suspension for not more than 1 year. CSR §91-5-7 II. The following points have been assigned to speeding or speed related violations: Reckless driving-6 points; speeding in a school zone-6 points; speeding > 75 MPH on highways with a speed limit < 65 MPH-6 points; speeding > 80 MPH on highways with a speed limit of 65 MPH-6 points; driving too fast for conditions-3 points; speeding in excess of the speed limit where speed was < 75 MPH-3 points; and, all other moving violations-2 points. Title 91 CSR, Table 91-5

WEST VIRGINIA

Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

Length of Term of

Licensing Withdrawal:

Mandatory Action--Minimum

Length of License

Withdrawal:

Other:

Reckless Driving:

Sanction:

Criminal:

Imprisonment (Term):

Mandatory Minimum Term

of Imprisonment:

Fine (\$ Range):

Mandatory Minimum Fine:

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

Length of Term of License

Withdrawal Action:

Mandatory Term of License

Withdrawal Action:

Other:

Revocation §17C-6-8(c)

1st offense-6 months 2nd offense (within 2 years)-**2 years** Subsequent offense (within 5 years)-**5 years** §17C-6-8(c)

1st offense-6 months 2nd offense (within 2 years)-**2 years** Subsequent offense (within 5 years)-**5 years** §17C-6-8(c) These revocation periods appear to be mandatory.

Misdemeanor §§17C-5-3(a) & 17C-18-1(a)

1st offense-5 to 90 days Subsequent offense-10 days to 6 months §17C-5-3(c)

None

1st offense-\$25 to \$500 Subsequent offense-\$50 to \$1,000 §17C-5-3(c)

None

Suspension Based on Frequent Violation of the Traffic Laws⁶ §17B-3-6(a)(3) & (4) **Revocation-3** reckless driving convictions within 24 months §17B-3-5(5)

Suspension-Not more than 1 year §17B-3-8 Revocation-1 year §17B-1-1(q)

Suspension-None License action is discretionary. §17B-3-6(a)

Revocation-1 year §17B-1-1(q)

If an offender successfully completes a Driver Improvement Program, they may have points deducted from their driving record. CSR §91-5-8

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §17E-1-13(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §17E-1-13(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §17E-1-13(e)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §17E-1-3 & 49 CFR §383.5

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §17E-1-3

WEST VIRGINIA

JURISDICTION:

WISCONSIN

General Reference:

This chapter summarizes Wisconsin State statutes related to speed. Wisconsin Statutes Annotated and Wisconsin Administrative Code (WAC)

Basis for a Speed Law Violation:

Basic Speed Rule:

No person drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard for the actual and potential hazards then existing. §346.57(2)

**Statutory Speed Limit:
See Other below.**

65 MPH on any freeway or expressway when posted §346.57(4)(gm)
55 MPH on highways not posted §346.57(h)
45 MPH on designated rustic roads §346.57(k)
35 MPH on highways within semiurban district outside city or village corporate limits §346.57(g)
35 MPH on outlying district highways within city or village corporate limits §346.57(f)
35 MPH on certain highway in business, industrial and residential districts §346.57(j)
25 MPH on service roads with city or village corporate limits §346.57(em)
25 MPH on other highways within city or village corporate limits §346.57(e)
15 MPH in an alley §346.57(d)
15 MPH in a safety zone where a vehicle has stopped to receive or discharge passengers §346.57(c)
15 MPH in a "school crossing" §346.57(b)
15 MPH when passing a school during times when children are either going to or from a school or when children "are playing within the sidewalk area at or about the school." §346.57(a)
15 MPH in town parks or recreation area when children are going to or from or playing within such areas. §346.57(i)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the speed limits on highways under its jurisdictions. However, no speed limit can be > 65 MPH on freeways or expressways or 55 MPH on other highways.¹ §§346.57(5) and 349.11(1)(a) & (2)(a)
Note: Wisconsin law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.
II. Based on engineering and traffic investigations, the State may increase or decrease the speed limits on highways under its jurisdictions. However, no speed limit can be >55 MPH² §§346.57(5) and 349.11(1)(a) & (3)(a)

¹In addition, the State cannot modify the maximum statutory speed of 15 MPH in a safety zone or the speed limit on the more than 2,000 miles of State truck highways. §349.11(2)(b) & (c)

²In addition, a local government State cannot modify the maximum statutory speed of 15 MPH in a safety zone. §349.11(3)(b) Such government must obtain State approve to modify speed limits within corporate limits or within a semiurban district outside corporate limits. In addition, in general, it cannot reduce by 10 MPH (15 MPH on rustic roads) or less statutory speed limits without State approval. §349.11(3)(c)

WISCONSIN

Basis for a Speed Law Violation: (continued)

Posted (Maximum) Speed Limit: (continued)	III. Based on an investigation, the State may establish safe maximum speed limits on bridges, causeways, viaducts or other structures. §349.11(4) IV. Local governments may establish temporary speed limits on highways that are under going construction or maintenance. §349.11(10)
Minimum Speed Limit:	No person shall drive a motor vehicle at a speed so slow as to impede the normal and reasonable movement of traffic. §346.59(1)
Posted (Minimum) Speed Limit:	Based on engineering and traffic investigations, the State may establish a minimum speed limit for State trunk highways. §349.11(1)(b)
Other:	No person shall drive a vehicle that is equipped with metal or solid rubber tires > 15 MPH. §346.58

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:	All Speed Law Violations are Civil Forfeiture Offenses. §§346.60 & 939.12
Other:	

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:	
Imprisonment:	
Term (Day, Month, Years, Etc.):	None
Mandatory Minimum Term:	
Fine:	
Amount (\$ Range):	Violating the Basic Speed Law, School Area/Safety Zone Speed Limits- <u>1st offense-\$40 to \$300</u> <u>Subsequent offense-\$80 to \$600</u> §346.60(3) Violating the 65 MPH Speed Limit-\$50 to \$300 §346.60(2)(b) Violating Other Speed Limits-\$30 to \$300 §346.60(2)(a) Violating the Minimum Speed Law- <u>1st offense-\$20 to \$40</u> <u>Subsequent offense-\$50 to \$100</u> §346.60(1)
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	An offender may have points deducted from their driving record if they participate in either driver improvement counseling, a traffic safety school, or a defensive driving course. WAC 101.07

³This includes a violation of §346.58 which prohibits a person from driving a motor vehicle that is equipped with metal or solid rubber tire > 15 MPH. §346.60(2)(a)

Sanctions Following an Adjudication of a Speed Law Violation:
(continued)

Other Penalties: (continued)

Other:

The above fines are **double** if the following offenses occur in a highway maintenance or construction area: Violating the basic speed law; exceeding the speed limit in an alley; or, exceeding the speed limit on highways or roads with 25 to 65 MPH speed limits (except roads within parks or rustic roads). §346.60(3m)

Licensing Action:

Type of Licensing Action
(Susp/Rev):

Suspension or Revocation via the Courts §343.30(1) & (1n)
Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁴ §343.32(2)(a)

Term of License Withdrawal
(Days, Months, Years, etc.):

Suspension or Revocation via the Courts: (1) For speeding ≥ 25 MPH over the 65 or 55 MPH speed limit-**15 day suspension** §343.30(1n)
(2) For other violations-Not more than **1 year** §343.30(1)
Suspension or Revocation via a Point System-**2 months to 1 year**² §343.32(3) & WAC Trans. 101.04

Mandatory Minimum Term of
Withdrawal:

Suspension or Revocation via the Courts: (1) For speeding ≥ 25 MPH over the 65 or 55 MPH speed limit-**15 day suspension** §343.30(1n)
(2) For other violations-None Note: Licensing action is discretionary §343.30(1)

Mandatory Minimum Term of
Withdrawal: (continued)

Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges §343.32(6)

Miscellaneous Sanctions
Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Civil Forfeiture §§346.94(2) & 346.95(2)

Sanctions:

Criminal Sanction:

None

Imprisonment (Term):

Mandatory Minimum Term:

Fine (\$ Range):

\$20 to \$400 §346.95(2)

Mandatory Minimum Fine:

None

⁴**Point System.** I. An offender's license is subject to either suspension or revocation for 2 months, 4 months, 6 months or 1 year if they accumulate respectively 12 to 16 points, 17 to 22 points, 23 to 30 points or >30 points within 12 months. WAC Trans. 101.04
II. The following points have been assigned to speeding to speed related offenses: Racing on the highways-6 points; reckless driving-6 points; speeding ≥ 20 MPH over the speed limit-6 points; imprudent speed-4 points; speeding > 10 MPH but < 20 MPH over the speed limit-4 points; unnecessary acceleration-4 points; speeding ≤ 10 MPH over the speed limit-3 points; driving too slowly-2 points; and, all other moving violations-2 points. WAC Trans. 101.02

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Other Criminal Actions Related to Speeding:
(continued)

Racing on Highway: (continued)

Administrative Licensing Action:
Licensing Authorized and
Type of Action:

Suspension or Revocation via the Courts §343.30
Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁴ §343.32(2)(a)

Length of Term of
Licensing Withdrawal:

Suspension or Revocation via the Courts-Not more than 1 year §343.30(1)

Length of Term of
Licensing Withdrawal: (continued)

Suspension or Revocation via a Point System-2 months to 1 year⁴ §343.32(3) & WAC Trans. 101.04

Mandatory Action--Minimum
Length of License
Withdrawal:

Suspension or Revocation via the Courts-None Note: Licensing action is discretionary §343.30(1)
Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges §343.32(6)

Other:

Reckless Driving⁵:

Civil Forfeiture, Misdemeanor or Felony §§346.62(2), (3) & (4), 939.12 and 939.60

Sanction:
Criminal:
Imprisonment (Term):

Endangering Persons or Property-1st offense-Forfeiture-None
Subsequent offense (within 4 years)-Misdemeanor-Not more than 1 year in the county jail §346.65(1)(b)
Causing Bodily Harm-Misdemeanor-30 days to 1 year in the county jail §346.65(3)
Causing Great Bodily Harm-Felony⁶-90 days to 18 months (imprisonment) §346.65(4)

Mandatory Minimum Term
of Imprisonment:
Fine (\$ Range):

None
Endangering Persons or Property-1st offense-Forfeiture-\$25 to \$200
Subsequent offense (within 4 years)-Misdemeanor-Not more than 1 year in county jail §346.65(1)(b)
Causing Bodily Harm-Misdemeanor-\$300 to \$2,000 §346.65(3)
Causing Great Bodily Harm-Felony-\$600 to \$2,000 §346.65(4)
None

Mandatory Minimum Fine:

⁵"Reckless driving" is defined as driving a vehicle so as either (1) to endanger the safety of any person or property via negligent operation, (2) to cause bodily harm to another via negligent vehicle operation, or (3) to cause great bodily harm to another via negligent vehicle operation. §346.62(2), (3) & (4)

⁶If a crime is punishable by imprisonment in one of the State's prisons, it is a felony. §939.60

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)
Administrative Licensing Actions:
Type of Licensing Action
(Susp/Rev):

Suspension or Revocation via the Courts §343.30
Suspension or Revocation-Based upon repeated violation of the traffic laws via a Point System⁴ §343.32(2)(a)
Causing Great Bodily Harm-Revocation §343.31(1)(a)

Length of Term of License
Withdrawal Action:

Suspension or Revocation via the Courts-Not more than 1 year §343.30(1)
Suspension or Revocation via a Point System-2 months to 1 year⁴ §343.32(3) & WAC Trans. 101.04
Causing Great Bodily Harm-1 year §343.31(3)(a)

Mandatory Term of License
Withdrawal Action:

Suspension or Revocation via the Courts-None Note: Licensing action is discretionary §343.30(1)
Suspension or Revocation via a Point System-None Note: A person is eligible for occupational driving privileges §343.32(6)
Causing Great Bodily Harm-1 year §343.31(3)(a)

Other:

Commercial Motor Vehicle (CMV) Operators⁷:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁸ within a 3 year period or (2) commit 3 such violations within a 3 year period. §343.315(f)

Period of Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §343.315(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §343.315(f)

⁷A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight ≥26,001 lbs., is designed to transport 15 or more persons, or is transporting hazardous materials. §340.01(8)

⁸A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §343.315(f)(1) & (3)-500(17)(a) & (b)

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SPEED LAWS

JURISDICTION:

WYOMING

General Reference:

This chapter summarizes Wyoming State statutes related to speed.
Wyoming Statutes Annotated

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle at a speed greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §31-5-301(a)

Statutory Speed Limit:

75 MPH on highways outside of urban areas with a population \geq 50,000 §31-5-301(b)(iii) & (v)(A)
65 MPH on other highways outside an urban district §31-5-301(b)(iv) & (v)(B)
30 MPH in an urban district §31-5-301(b)(ii)
20 MPH in a school zone or crossing §31-5-310(b)(i)

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above speed limits on the State highway system.¹ §31-5-302 The State highway system includes city streets that are designated as State highways. §24-1-127
II. Based on engineering and traffic investigations, local governments may increase or decrease the above speed limits on the highways or streets under their jurisdiction.² §31-5-303(a) & (b)
III. Based on investigations, the State or a local government may establish safe maximum speed limits for any bridges or elevated structures under their jurisdiction. §31-5-305(a) & (b)

Minimum Speed Limit:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §31-5-304(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways or streets under their jurisdiction. §31-5-304(b)

Other:

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §31-5-1201(a)

Other:

¹The State may also establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §31-5-302

²However, a local government cannot increase a speed to > 55 MPH within an urban district and, except as noted, they cannot decrease the speed limit to < 35 MPH outside an urban district. However, in a "platted rural subdivision," a local government can reduce the speed limit to < 35 MPH. §31-5-303(a)(ii), (a)(iii) & (b)

WYOMING

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

**Term (Day, Month, Years,
Etc.):**

Exceeding the 65 MPH Speed Limit >66 but <74 MPH: None

Exceeding the 75 MPH Speed Limit: None

Imprisonment: (continued)

Other Speeding or Speed Related Violations: 1st offense-Not more than 20 days 2nd offense (within 1 year)-Not more than 30 days Subsequent offenses (within 1 year)-Not more than 6 months §31-5-1201(b)

Mandatory Minimum Term:

None

Fine:

Amount (\$ Range):

Exceeding the 65 MPH Speed Limit³ ≥ 66 but ≤ 74 MPH: \$5 plus \$3 for every MPH > 65 MPH §31-5-1201(d)(i)

Exceeding the 75 MPH Speed Limit: \$35 but not more than the maximum fines for Other Speeding or Speed Related Violations §31-5-1201(d)(ii)

Other Speeding or Speed Related Violations: 1st offense-Not more than \$200 2nd offense (within 1 year)-Not more than \$300 Subsequent offenses (within 1 year)-Not more than \$500 §31-5-1201(b)

Mandatory Min. Fine (\$):

Exceeding the 65 MPH Speed Limit >66 but <74 MPH: Note: The above fines for this offense may be mandatory.

Exceeding the 75 MPH Speed Limit: \$35 Note: This fine appears to be mandatory.

Other Speeding or Speed Related Violations: None

Other Penalties:

Traffic School:

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension Based Upon Repeated Violations of the Traffic Laws §31-7-129(a)(i)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than 12 months §31-7-129(a)

Mandatory Minimum Term of

Withdrawal:

None Licensing action is discretionary with the licensing agency.

Miscellaneous Sanctions

Not Included Elsewhere:

³On highways, except State highways, that are outside an urban district. §31-5-301(b)(iv)

Other Criminal Actions Related to Speeding:

<u>Speed or Acceleration Contest</u> ⁴ :	Misdemeanor §§6-10-101 & 24-1-110
Sanctions:	
Criminal Sanction:	
Imprisonment (Term):	Not more than 10 days §24-1-110(c)
Mandatory Minimum Term:	None
Fine (\$ Range):	\$10 to \$100 §24-1-110(c)
Mandatory Minimum Fine:	None
Administrative Licensing Action:	
Licensing Authorized and Type of Action:	Suspension Based Upon Repeated Violations of the Traffic Laws §31-7-129(a)(i)
Length of Term of Licensing Withdrawal:	Not more than 12 months §31-7-129(a)
Mandatory Action--Minimum Length of License Withdrawal:	None Licensing action is discretionary with the licensing agency.
Other:	
<u>Reckless Driving</u> :	Misdemeanor §§31-5-229 & 31-5-1201(a)
Sanction:	
Criminal:	
Imprisonment (Term):	Not more than 6 months §31-5-1201(f)
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$750 §31-5-1201(f)
Mandatory Minimum Fine:	None
Administrative Licensing Actions:	
Type of Licensing Action (Susp/Rev):	<u>1st offense-Suspension</u> §31-7-128(a)(i) <u>2nd offense</u> (within 5 years)- Suspension §31-7-128(a)(ii) <u>Subsequent offense</u> (within 5 years)- Revocation §31-7-127(a)(iii)
Length of Term of License Withdrawal Action:	<u>1st offense-90 days</u> §31-7-128(a)(i) <u>2nd offense</u> (within 5 years)- 6 months §31-7-128(a)(ii) <u>Subsequent offense</u> (within 5 years)- 1 year §31-7-127(a)(iii) & (b)
Mandatory Term of License Withdrawal Action:	<u>1st offense-90 days</u> §31-7-128(a)(i) <u>2nd offense</u> (within 5 years)- 6 months §31-7-128(a)(ii) <u>Subsequent offense</u> (within 5 years)- 1 year §31-7-127(a)(iii) & (b)
Other:	

⁴The law prohibits a person from engaging in either a speed or acceleration contest without State or local government approval. §24-1-110(a)

WYOMING

Commercial Motor Vehicle (CMV) Operators⁵:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁶ within a 3 year period or (2) commit 3 such violations within a 3 year period. §31-7-305(f)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §31-7-305(f)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §31-7-305(f)

⁵A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §31-7-102(a)(viii)

⁶A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §31-7-102(a)(xli)

APPENDIX

JURISDICTION:

UNIFORM VEHICLE CODE (UVC)

General Reference:

This appendix summarizes UVC provisions related to speed. The UVC as revised by the National Committee on Uniform Traffic Laws and Ordinances in 1992

Basis for a Speed Law Violation:

Basic Speed Rule:

No person shall drive a vehicle greater than is reasonable and prudent under the conditions and having regard to the actual and potential hazards then existing. §11-801

Statutory Speed Limit:

55 MPH in locations other than urban districts §11-802

See Other below.

35 MPH in urban districts §11-802

Posted (Maximum) Speed Limit:

I. Based on engineering and traffic investigations, the State may increase or decrease the above maximum speed limits on the State highway system.¹ §11-803

II. Based on engineering and traffic investigations, a local government may increase or decrease the above maximum speed limits on highways under their jurisdiction.² §11-804(a) & (b)

III. Based on an investigation, the State or a local government may establish maximum safe speed limits for any bridge or elevated structure under their jurisdiction. §11-807(b) & (c)

Minimum Speed Rule:

No person shall drive a motor vehicle at such a slow speed as to impede the normal and reasonable movement of traffic. §11-805(a)

Posted (Minimum) Speed Limit:

Based on engineering and traffic investigations, the State or a local government may establish minimum speed limits on the highways under their jurisdiction. §11-805(b)

Other:

No person shall tow a house trailer > 45 MPH. §11-807(a)

Adjudication of Speed Law Violations:

Civil/Criminal Adjudication of Violation:

All Speed Law Violations are Misdemeanors. §17-101(a)

Other:

¹The UVC also provides that the State may establish different highway speed limits (1) for different types of vehicles (e.g., persons, who operate certain types of trucks may be required to drive these vehicles at a slower speed than those who operate other types of motor vehicles), (2) at different times of the day, (3) for various weather conditions or (4) for other factors bearing on safe speeds. §11-803

²However, a local government can neither (1) increase the maximum speed limit within an urban district to more than 55 MPH nor decrease the maximum speed limit outside of an urban district to less than 35 MPH. §11-804(a)(2) & (3) In addition, any alteration of speed limits on State highways or extensions thereof by a local government must be approved by the State. §11-804(d)

UNIFORM VEHICLE CODE

Sanctions Following an Adjudication of a Speed Law Violation:

Criminal Sanctions:

Imprisonment:

Term (Day, Month, Years,
Etc.):

1st Offense-None 2nd Offense (within 1 year)-None 3rd or Subsequent Offense (within 1 year)-Not more than **6 months** §17-101(b)

Mandatory Minimum Term:

None³

Fine:

Amount (\$ Range):

1st Offense-Not more than \$200 2nd Offense (within 1 year)-Not more than **\$300 3rd or Subsequent Offense** (within 1 year)-Not more than **\$500** §17-101(b)

Mandatory Min. Fine (\$):

None³

Other Penalties:

Traffic School:

The court may order an offender to complete a course in driver improvement. §17-103(a)(3)

Other:

Licensing Action:

Type of Licensing Action

(Susp/Rev):

Suspension-Based on a Point System Promulgated by Regulations⁴ §6-211(a)(2) & (b)

Term of License Withdrawal

(Days, Months, Years, etc.):

Not more than **1 year** §6-216(a)

Mandatory Minimum Term of

Withdrawal:

Possible under a point system

Miscellaneous Sanctions

Not Included Elsewhere:

Other Criminal Actions Related to Speeding:

Racing on Highway:

Misdemeanor §§11-809 & 17-101(a)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

1st Offense-None 2nd Offense (within 1 year)-None 3rd or Subsequent Offense (within 1 year)-Not more than **6 months** §§11-809(d) & 17-101(b)

Mandatory Minimum Term:

None³

³Unless the UVC specifically provides for a mandatory sanction, the court has the authority to suspend all or part of a fine or incarceration sentence. §17-103(c)

⁴The UVC does not specifically provide for a point system. It only authorizes the State licensing agency to adopt such a system via regulations. §6-211(b) However, in a footnote to §6-211, the National Committee on Uniform Traffic Laws and Ordinances recommends that the following point system be promulgated by the States. A person's license would be suspended if they accumulated 12 points within a 12 month period or 18 or more points within a 24 month period. A person convicted of either reckless driving or for driving 20 MPH over the speed limit would be assessed 6 points. A person convicted for relatively serious traffic offenses would be assessed 4 points and 3 points would be assessed for convictions of minor violations.

UNIFORM VEHICLE CODE

Other Criminal Actions Related to Speeding:
(continued)

Fine (\$ Range):	<u>1st Offense</u> -Not more than \$200 <u>2nd Offense</u> (within 1 year)-Not more than \$300 <u>3rd or Subsequent Offense</u> (within 1 year)-Not more than \$500 §§11-809(d) & 17-101(b)
Mandatory Minimum Fine:	None ³
Administrative Licensing Action: Licensing Authorized and Type of Action:	<u>Suspension</u> §6-211(a)(8) Suspension is also possible via the point system ⁴ §6-211(b)
Length of Term of Licensing Withdrawal:	Not more than 1 year §6-216(a)
Mandatory Action--Minimum Length of License Withdrawal:	Possible under a point system
Other:	I. The court may order an offender to complete a course in driver improvement. §17-103(a)(3) II. A defendant may have their vehicle(s) registration(s) suspended. Note: The UVC does not specify a length of time for such suspension. §17-301(7)
<u>Reckless Driving:</u>	Misdemeanor §§11-901 & 17-101(a)
Sanction: Criminal: Imprisonment (Term):	<u>1st Offense-5 days to 90 days</u> <u>2nd or Subsequent Offense-10 days to 6 months</u> §11-901(b)
Mandatory Minimum Term of Imprisonment:	<u>1st Offense-5 days</u> ⁵ <u>2nd or Subsequent Offense-10 days</u> ⁵ §§11-901(b) & 17-103(c)
Fine (\$ Range):	<u>1st Offense-\$25 to \$500</u> <u>2nd or Subsequent Offense-\$50 to \$500</u> §11-901(b)
Mandatory Minimum Fine:	<u>1st Offense-\$25</u> ⁵ <u>2nd or Subsequent Offense-\$50</u> ⁵ §§11-901(b) & 17-103(c)
Administrative Licensing Actions: Type of Licensing Action (Susp/Rev):	<u>Suspension via the point system</u> ⁴ §6-211(a)(3) & (b)
Length of Term of License Withdrawal Action:	Not more than 1 year §6-216(a)
Mandatory Term of License Withdrawal Action:	Possible under a point system
Other:	The court may order an offender to complete a course in driver improvement. §17-103(a)(3)

⁵**Comment:** The UVC does not specifically state that this sanction is mandatory. However, given the fact that the UVC provides for a minimum sanction, it would seem reasonable to assume that such sanction was intended to be mandatory.

UNIFORM VEHICLE CODE

Commercial Motor Vehicle (CMV) Operators⁶:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁷ within a 3 year period or (2) commit 3 such violations within a 3 year period. §6-514(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** §6-514(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** §6-514(e)

⁶A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of $\geq 26,001$ lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. §6-500(6)

⁷A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. §6-500(17)(a) & (b)